

# List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

**CIRCULATED SCHEDULE NO: 40/21**

**Date to Members: 08/10/2021**

**Member's Deadline: 14/10/2021 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

**PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.**

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

**If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:**

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

**The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:**

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

**Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:**

**Date:**

To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

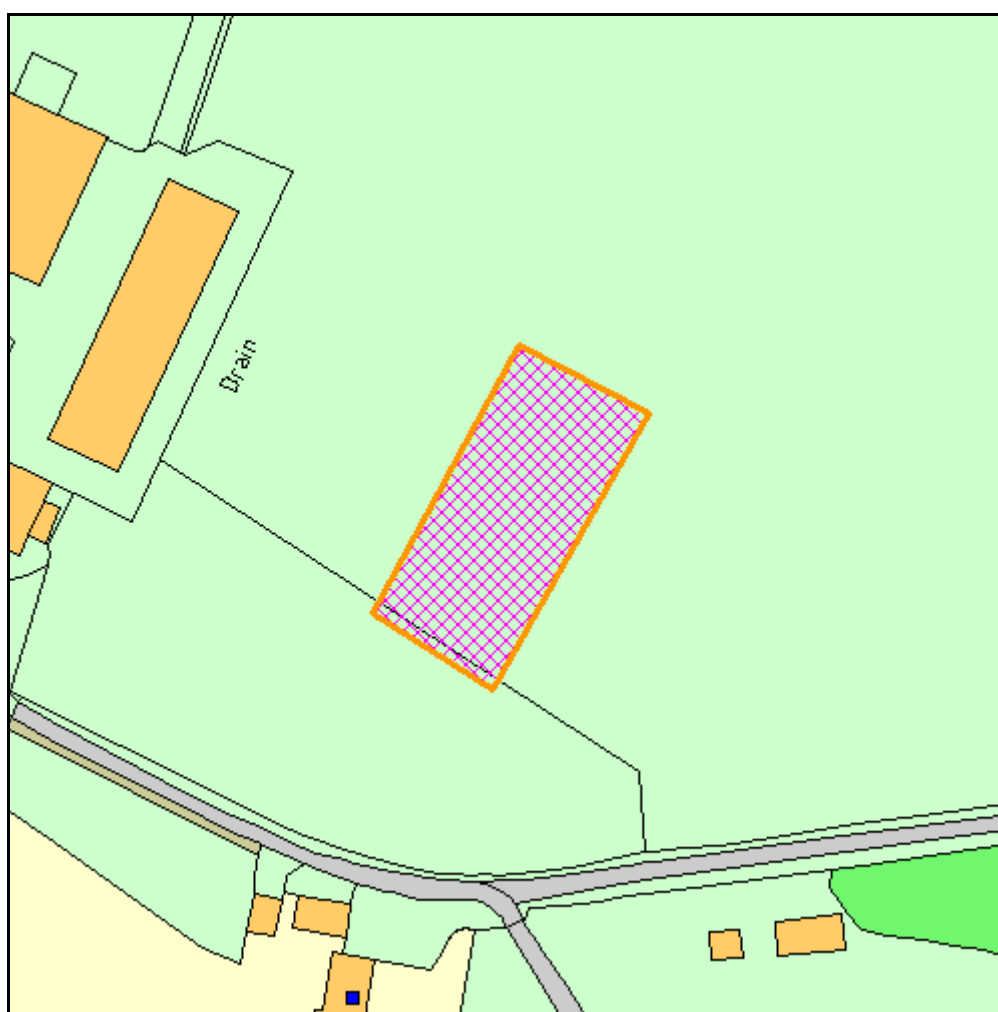
# CIRCULATED SCHEDULE 08 October 2021

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P20/05076/F</b>	Approve with Conditions	Laddenside Farm Bristol Road Iron Acton South Gloucestershire BS37 9TG	Frampton Cotterell	Iron Acton Parish Council
2	<b>P20/18048/F</b>	Approve with Conditions	10 Lower Stone Close Frampton Cotterell South Gloucestershire BS36 2LE	Frampton Cotterell	Frampton Cotterell Parish Council
3	<b>P21/00954/RVC</b>	Approve with Conditions	Oaklands Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	Severn Vale	Almondsbury Parish Council
4	<b>P21/01781/F</b>	Approve with Conditions	242 Badminton Road Coalpit Heath South Gloucestershire BS36 2QH	Frampton Cotterell	Westerleigh Parish Council
5	<b>P21/03069/F</b>	Approve with Conditions	Land At Marlwood School Vattlingstone Lane Alveston South Gloucestershire BS35 3LA	Thornbury	Thornbury Town Council
6	<b>P21/03748/O</b>	Approve with Conditions	Henfield Business Park Westerleigh Road Coalpit Heath South Gloucestershire BS36 2UP	Frampton Cotterell	Westerleigh Parish Council
7	<b>P21/04086/R3F</b>	Approve with Conditions	Charborough Road Primary School Charborough Road Filton South Gloucestershire BS34 7RA	Filton	Filton Town Council
8	<b>P21/04134/F</b>	Approve with Conditions	152 Manor Lane Charfield South Gloucestershire GL12 8TW	Charfield	Charfield Parish Council
9	<b>P21/04849/F</b>	Approve with Conditions	500 Woodward Avenue Yate South Gloucestershire BS37 5YS	Frampton Cotterell	Westerleigh Parish Council
10	<b>P21/05089/F</b>	Approve with Conditions	774 Filton Avenue Filton South Gloucestershire BS34 7HB	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 40/21 - 8th October 2021**

<b>App No.:</b>	P20/05076/F	<b>Applicant:</b>	Mr M King (Bristol) Ltd
<b>Site:</b>	Laddenside Farm Bristol Road Iron Acton South Gloucestershire BS37 9TG	<b>Date Reg:</b>	24th March 2020
<b>Proposal:</b>	Erection of 1no agricultural building for livestock.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	366662 183422	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th May 2020



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P20/05076/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

### **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of an agricultural building on an existing dairy farm. The proposed building will house livestock and will be 54.8m long by 21.3m wide in footprint have a height to eaves of 5.215m and a height to ridge of 7.615m. Landscaping would be planted around the building.
- 1.2 The application site relates to an existing dairy farm and the proposed building is to be sited due east of the existing dairy. Other farm buildings are closely sited to the northwest of the proposed site. The site is within the Bristol/Bath Green Belt.
- 1.3 During the course of the application significant additional information in the form of acoustic information was submitted.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

- 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

### South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees & Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP28	Rural Economy
PSP29	Agricultural Development

- 2.3 Supplementary Planning Guidance  
SG Landscape Character assessment 2014

## **3. RELEVANT PLANNING HISTORY**

There is extensive history to the site with the most recent relevant applications being:

- 3.1 PK18/3995/PNA Prior notification of the intention to erect an agricultural building for the storage of hay, fodder and machinery. No objection 01.10.2018
- 3.2 PK15/3553/PNA  
Prior notification of the intention to erect an agricultural building for the storage of hay, fodder and farm machinery , No objection 28.09.2015 – not built and therefore included in PK18/3995/PNA
- 3.3 PK11/2737/F Erection of agricultural building to form new parlour, dairy and additional livestock accommodation. (4.57m to eaves and the ridge was 6.73m.)

#### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
Object. The Parish Council state they have no objection to an agricultural building where planned but need details of the construction materials and appearance of the building.

- 4.2 Other Consultees

- Environmental Protection

- No objection

- Landscape officer

- Require confirmation of species and stock planting and a LEMP.

- Archaeology officer

- No comment

- Lead local Flood authority

- No objection

- Highway Structures

- No comment

- Sustainable transport

- Unlikely to raise any material high or transportation concern so no comment.

#### **Other Representations**

- 4.3 Local Residents  
Two objection letters have been received from a neighbouring dwelling. One stating that they have no objections to the proposed barn but are very concerned at the intensification of the business and the noise disturbance associated with it. The second stating that they object on the grounds of noise



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks full planning permission for the erection of an agricultural barn, on land outside the development boundary that is washed over by the Bristol and Bath Green Belt.

5.2 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

5.3 While the construction of new buildings within the Green Belt is generally discouraged, paragraph 149 of the NPPF provides many exceptions – including buildings for agriculture. In addition to the provisions of the NPPF, regard is also provided to policy PSP29, which supports agricultural development outside of settlement boundaries. This is subject to no existing suitable underused building being reasonably available, and the proposal is reasonably necessary for the use and is clearly designed for that purpose.

### 5.4 Need for the Building

PSP29 clarifies that new agricultural development will be permitted where there are no existing underused building and providing that the building is reasonably necessary for the intended use. Information submitted with the application confirms that the applicant is farming over 1,426 acres (577.09 hectares) of arable and pasture land with approximately 570 cows in milk at Laddenside with a further 60 cows at Two Pools Farm. The applicant has roughly 515 youngstock at present. The farm utilises as much of its own straw, grass and fodder as possible which is produced by the arable farming system. Following the continuous expansion of the dairy enterprise, a more efficient solution is required for the keeping of livestock. The intention is that the milking herd, including dairy cows, will be housed at Laddenside Farm and youngstock kept at Two Pools Farm. This arrangement will reduce the movement of animals between the two holdings and ensure their quality of life is maintained. Moreover, this provides a more suitable layout for the farm business to house and keep the cattle.

5.5 On the basis of the above, officers agree that the new building is both reasonably necessary for the continuing success of the growing farm and that there are no alternative suitable buildings in place. The application therefore satisfies the tests as set out on PSP29.

### 5.6 Design in the landscape/Visual Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy

- CS1 is fully compliant with design guidance in the NPPF. Policy PSP2 seeks to protect and enhance the landscape.
- 5.7 The comments of the Parish Council are noted, that they need construction details and details of the appearance of the building. For the avoidance of doubt, as shown on the plans and detailed on the application form, the building will be constructed of Yorkshire boarding (wood cladding) with a cement board roof within a steel frame. The sides of the building will largely open with the southern elevation being the most enclosed.
- 5.8 In terms of the siting of the building, a logical approach has been taken. The building would be situated towards the east of the main complex of farm buildings where it is well linked and associated with the existing built form. With regards to its form and detailed design, whilst the proposed building is large, the approach taken is typical of an agricultural building. In terms of its scale, it would not appear as an abnormally prominent or substantial feature within the agrarian setting. The updated landscaping plan now includes planting to the perimeter of the proposed development area, which further reduces the visual impact. To ensure the visual appearance of the countryside is protected, it is not unreasonable to set a condition ensuring the building is removed should its agricultural use cease. As such, the proposed development would comply with CS1, PSP2 and the provisions of the NPPF.
- 5.9 Residential Amenity  
The building is within 400m of a residential dwelling and thus an acoustic report has been required and submitted. The acoustic report has been scrutinised by the Councils environmental protection team who raise no objection to the proposed works.
- 5.10 The acoustic report highlights previous sources of noise nuisance (namely a previous employee) who no longer works on the farm. The report concludes that the cattle accommodation would have no observed effect in terms of noise and therefore achieved the aims of the NPPF. Of course, in any event, if noise were to become any issue, the environmental protection team would investigate any statutory noise nuisance.
- 5.11 Transport  
Access to the building would be via the existing yard and existing accesses. The Highway officers notes that this is the latest in a series of applications at this location, which is something of a concern as it seems possible that their cumulative effect could increase travel demand to this site. Nevertheless, officers note that this building adjoins several others which are in use for similar purposes and the applicant states that it will be used in conjunction with them.
- 5.12 On balance, therefore, the highway officer considers that it is unlikely that this additional structure will, by itself, generate any significant number of new trips to and from this site. Therefore, as the site access arrangements are not being altered in any way, we do not consider that this proposal is likely to raise any material highways or transportation concerns and have no comments about this application. Your planning officer concurs with this view.

### 5.13 Landscape

The proposed building will occupy a part of field that appears to have been degraded by either vehicular movement or previous storage usage, with reference to aerial photography. The route of a public footpath follows the access track leading to the main farm, to the south of the proposed new building location. The site lies within LCA8: Yate Vale, which is described as a gently sloping, largely agricultural and often well treed area of medium fields with large settlements in the south. Relevant strategy aims include:

- Restore, maintain and reinforce characteristic hedgerows
- Ensure new development of all sizes respects and enhances the particular, variable and distinctive character and appearance of the landscape
- Encourage the use of building materials that respect and integrate with local character.

5.14 During the course of the application, an updated landscape plan was received. This landscape plan is acceptable although it does not clarify the species of the trees to be planted in the hedge. Rather than attach a condition requiring a further landscape plan, a condition will be attached to ensure that the planting takes place in accordance with the approved plan AND that all of the trees to be planted in the hedgerow as shown on that plan are native tree species planted as selected standards with 10-12cm girth.

### 5.15 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application it is considered to have a neutral impact on equality.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 That the application is approved subject to the following conditions:

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans and reports as set out in the plans list below:

Received by the Council on 10th May 2021  
Noise Report

Received by the Council on 18th March 2020:  
oo1revB - Site Location and Block Plan  
002 - Proposed Elevations  
003 - Proposed Floor Plans

Reason

To define the terms and extent of the permission.

3. Should the requirement or use of the approved barn for agricultural purposes cease, the building must be removed from the land, and the ground must, so far as practicable, be restored to its natural condition before the development took place.

Reason

To protect the openness of the green belt and the character and appearance of the area to accord with Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. All hard and soft landscape works shall be carried out in accordance with drawing 1405-01 received by the Council on 6th September 2020. All of the trees to be planted in the hedgerow as shown on that plan must be native tree species planted as selected standards with 10-12cm girth. The works shall be carried out prior to the first use of any part of the development or in the first planning season following completion of the building, whichever is sooner.

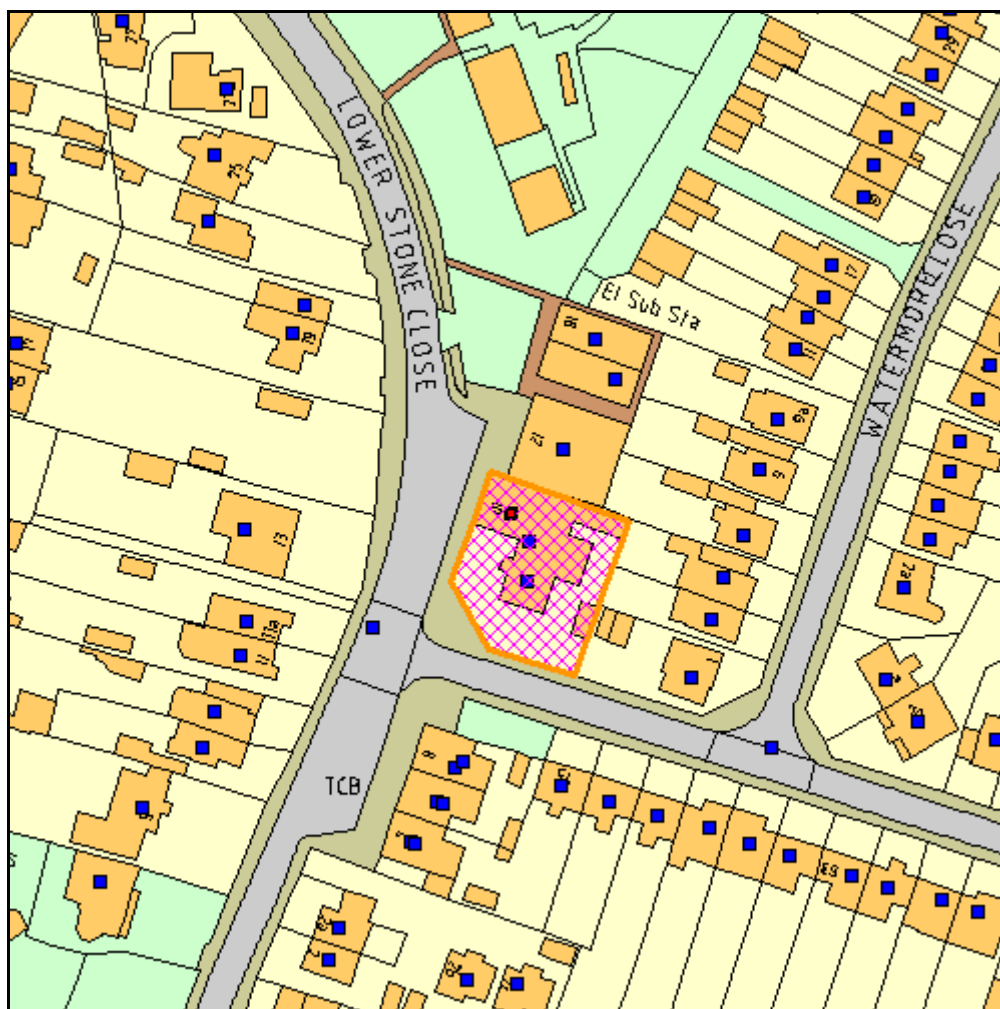
Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**Case Officer: Marie Bath**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P20/18048/F	<b>Applicant:</b>	Mr K Patel
<b>Site:</b>	10 Lower Stone Close Frampton Cotterell South Gloucestershire BS36 2LE	<b>Date Reg:</b>	28th September 2020
<b>Proposal:</b>	Erection of first floor extension to shop to form 1 no. flat with associated works. Erection of single storey side extension to form enlarged ancillary annex (resubmission of P20/01315/F).	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367411 181430	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th November 2020



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P20/18048/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of letters of objection.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of first floor extension to form 1 no. 1-bed flat with associated works, and the erection of single storey side extension to enlarge an ancillary annex. This is a resubmission of P20/01315/F, as the application was withdrawn. During the course of the application, a revised plan were submitted to address the officers' concerns regarding the design of the extensions.
- 1.2 The property consists of a bungalow and an attached shop, which has a flat roof. The site is within the settlement boundary of Frampton Cotterell, and it is not subject to any sensitive land-use designations.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017)

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Sub-divisions and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
- Design Checklist SPD (Adopted) 2007
  - Residential Parking Standards (Adopted) 2013
  - Waste Collection: guidance for new developments SPD (Adopted) 2015

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P20/01315/F Erection of first floor extension to shop to form 1 no. flat with associated works. Erection of two storey side extension and first floor to form enlarged ancillary annex. Withdrawn.
- 3.2 PT03/0760/F Erection of first floor extension over existing shop to form one bedroom self-contained flat and erection of detached double garage. Refused.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council – no objection

4.2 Other Consultees

Highway Officer – no objection, subject to conditions  
Drainage Engineer – no objection  
Highway Structure – no objection

#### **Other Representations**

4.3 Local Residents

3 no. letters of objection have been received, and the residents' concerns are summarised as follows:

- Loss of light
- Overshadowing
- Overbearing
- Visually obtrusive, incongruous feature, out of keeping
- Overlooking
- Worse than the withdrawn application P20/01315/F
- Insufficient off street parking spaces
- Already parking problems in the area
- Potential road safety issues
- The issues of drainage surface water and sewerage
- There is no additional capacity in the local sewage / surface water drainage system for the proposed flats
- The existing pumping station managed by Wessex Water would be directly impacted by the proposed building works
- Some pipes alongside and under the proposed extensions, and the ongoing access would not be possible
- The gradient to the pipe is very shallow, any disturbance or change to this arrangement will cause problems with the drainage of my property
- No surface water sewers within close proximity of the proposed extension
- A similar extension, reference PT03/0760/F, was rejected.



- The footprint of the proposed annexe, does it butt right up to the boundary wall? The drainage system are integral to this wall.
- Larger footprint may also influence the run off and soakaway away of rain water
- Our garden and garage become waterlogged in the current climate, I worry that reducing the natural drainage would make this problem worse
- The front view of the proposed shop / flat is not proportional to the existing premises.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application site is located in an existing urban area in Frampton Cotterell. Under policy CS5 – which sets the locational strategy for development in the district – new development is directed towards the existing urban areas and defined rural settlements. Therefore, development in this location would comply with the strategic development locational strategy.

### **5.2 Design and Visual Amenity**

Policy CS1 of the adopted Core Strategy and Policy PSP1 of the PSPP set the design standards expected of development within the district. This policy requires the 'highest possible' standards of site planning and design. Development must be informed by, respect, and enhance the character of the site and its context. The area is characterised by a group of a mix of housing styles and ages, but the property itself is a bungalow.

5.3 There are two components within the proposal. The proposed rear extension is single storey building and it would have a pitched roof with a hipped end. The extension is modest scale and the design is simple in form. The proposed first floor front extension would also have a pitched roof with a hipped end to the front to replace the existing flat roof. Although this first floor extension is quite large in scale and would be visible from the public domain, it would respect the existing roof form of the host dwelling. The proposed rear dormer and roof-light are very small in scale. Officers had considered if the new dormer should incorporate a pitched roof. However, given the size of the existing roof, a pitched roof dormer could not fit into the existing roof plane comfortably. Therefore, Officers have no objection to the design of the proposed dormer. In summary, it is considered that the extensions would not be materially harmful to the character of the host dwelling and the locality. As such, there is no objection in this regard.

### **5.4 Residential Amenity**

Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which provides substandard living conditions for future occupiers of properties.

5.5 The proposal is to enlarge the existing single storey rear extension to provide an annexe, and to erect a first floor extension to create 1 no. 1-bed flat. The closest neighbouring properties to the proposed extensions would be the retail

- premises adjacent to the site, and No. 3-7 (Odd nos.) of Watermore Close. The residents' comments are also noted.
- 5.6 The proposed ground floor extension is not large in scale, it would have a pitched roof with a hipped end. The ridge would be approximately 4.3 metres in height. The extension is approximately 10.2 metres from the rear elevation of the neighbouring properties in Watermore Close. No window is proposed on the rear elevation. As such, there is no issue in terms of loss of privacy. Regarding the overbearing impact, given that the proposed rear extension would have a hipped end, the potential overbearing impact would not be significant.
- 5.7 The proposed first floor extension would not project beyond the existing roof plane (except the new dormer), as such, it would not result in a material overbearing impact. The rear dormer and rooflight would be approximately 10 metres from the rear boundary (i.e. approximately 20 metres from the principle rear elevation of No. 3 Watermore Close). It is therefore considered that the potential overlooking impact is unlikely to be significant. As such, there is no objection in this regard.
- 5.8 Regarding the living condition for the future occupiers, Paragraph 10 of the Technical Housing Standards – Nationally Described Space Standard set out the technical requirements, a 1-bedroom 1 person requiring 37sqm. Based on the submitted plans, the internal gross area for the ground floor annexe and the first floor 1-bed flat would be approximately 38 sqm and 66 sqm respectively. Therefore, these accommodation would meet the size requirement. On the matter of living conditions, neither the annexe nor the flat has a private garden area. However, there are open fields within walking distance. It is therefore considered that the lack of private garden area would not be detrimental to the living conditions of the future residents. In terms of outlook, although the ground floor extension is adjacent to the host building, all new windows and doors have a reasonable outlook. In this instance, it is considered, on balance, the proposal would provide a reasonable living condition for the future residents, therefore, there is no objection in this regard.
- 5.9 Transport and Parking  
In terms of parking and highway issues, the Council Highway Officer has considered the proposal. As the proposal would provide adequate parking spaces for the proposed units, there is no objection subject to condition securing the implementation of parking arrangement and the extended vehicle crossover, the provision of electric vehicle charging point and a secured cycle parking space.
- 5.10 Drainage  
Residents' concerns regarding drainage issues are noted. The Council's Drainage Engineer has considered the drainage (Storm Water) arrangement and the proposal. Given its urban location and the scale of the proposal, there is no drainage objection.

#### 5.11 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. In regards to the above statement the proposal is considered to have a neutral impact on equalities.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That the Application is approved subject to the following planning conditions:

#### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The development hereby approved shall not be occupied until the car parking with an extended vehicle crossover has been provided in accordance with the submitted details.  
  
Reason: In the interest of highway safety and to accord with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).
3. The development hereby approved shall not be occupied until a 7Kw 32 Amp electric vehicle charging point and a covered and secure cycle parking space has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel and to accord with Policies PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. The development hereby approved shall be carried out in accordance with the following plans:

Proposed Block Plan, Drawing No. 2342-20A, Existing and Proposed North Elevation, Drawing No. 2342-02G, received by the Council on 5th October 2021.

Existing and Proposed West, South and East Elevation and Proposed First Floor Plan, Drawing NO. 2342-01F, received by the Council on 21st September 2021.

Location Plan, Drawing No. 2342, received by the Council on 23rd September 2020.

Reason

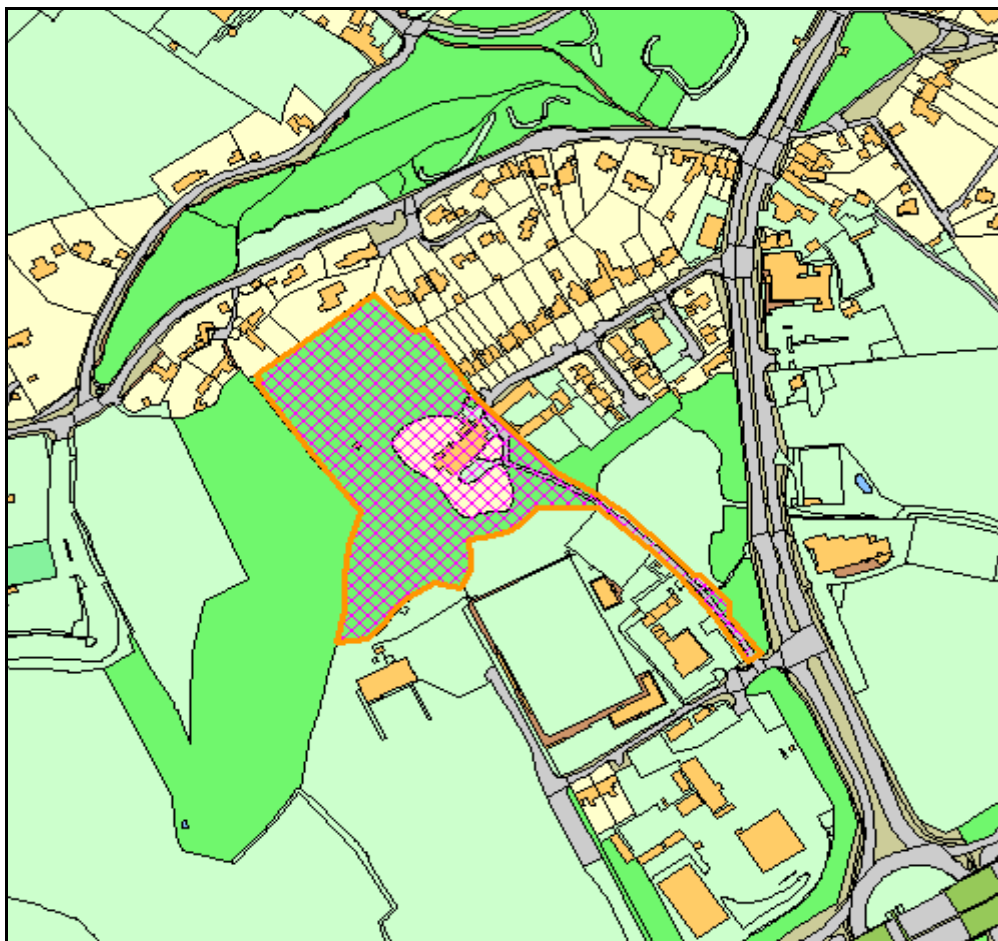
To define the terms and extent of the permission.

**Case Officer: Olivia Tresise**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/00954/RVC	<b>Applicant:</b>	Cedar Care Homes
<b>Site:</b>	Oaklands Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	<b>Date Reg:</b>	26th February 2021
<b>Proposal:</b>	Variation of condition 2 attached to PT18/4625/F (superseded by P19/11955/RVC) to substitute plan numbers PL05A, PL06A, PL08C, PL09C, PL10 and PL14 with plan numbers 300A, 301_, 302C, 303C, 304C, 310B and 311B + Landscaping Master Plan (01J-3-6-21) & Arboricultural Report (May 2021). Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	360505 183761	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Major	<b>Target Date:</b>	21st May 2021



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100023410, 2008.

N.T.S.

P21/00954/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

### **CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule following comments from the Parish and from local residents.

Although the description of development has changed to exclude the removal of condition 4 which has addressed some of the concerns raised as no updated response or formal removal of the original objections have been received from these objectors the report must still be referred to Circulated Schedule.

## **1. THE PROPOSAL**

- 1.1 This planning application is made under Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act”). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission. In this instance, the applicant seeks Variation of condition 2 attached to PT18/4625/F (superseded by P19/11955/RVC) to substitute plan numbers PL05A, PL06A, PL08C, PL09C, PL10 and PL14 with plan numbers 300A, 301\_, 302C, 303C, 304C, 310B and 311B + Landscaping Master Plan (01J-3-6-21) & Arboricultural Report (May 2021). Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.
- 1.2 The application site relates to Oaklands, Oaklands Drive, Almondsbury which was a locally listed building and its grounds which are on the Council’s register of Historic Parks and Gardens. A grade II listed summer house/folly is within the grounds. The site is located outside the established settlement boundary and is within the Bristol/Bath Green Belt.
- 1.3 **Background:**  
Planning application PT18/4625/F granted permission for the demolition of what remained standing of the existing Oaklands Nursing Home building, and the construction of a new Residential Care Home (Use Class C2) on the site, together with a proportionate hard-and-soft landscaping scheme for 15 assisted care apartments at ground floor level, 26 nursing bedrooms at first floor level, and a plant room, kitchen, lounge, gym and treatment rooms at basement level, plus associated hard and soft landscaping.
- 1.4 Planning application P19/11955/RVC revised the scheme to include 62 suites over 3 floors. 13 bedrooms on the lower ground, 24 bedrooms on the ground & 25 bedrooms on the first floor with the basement under the south wing instead of the north wing.
- 1.5 This current application proposes all bedroom suites are to remain as P19/11955/RVC. However additional communal and service rooms are required to support the accommodation. This additional space is to be located on the lower ground floor (previously referred to as basement). Hard

landscaping around the lower ground & ground floor has been revised to incorporate the existing site levels. The site rises around 3000mm from South to North over the length of the building.

**1.6 Changes proposed under this application:**

- Due to site levels hard landscaping surrounding ground and lower level have been amended
- Larger plant room, kitchen and laundry plus additional lounge and dining room to support the increased number of bedrooms to be located in a larger lower ground floor
- Previously proposed walkways from ground floor have been removed and replaced with balconies to match first floor.

1.7 During the course of the application a revised description of development was submitted. This means that the access into the site will be off Gloucester Road. The suggestion that access into the site will be off Oaklands Drive has been abandoned.

1.8 Given the change in description and the number of objection comments regarding the proposed changed access, re-consultation letters were sent out on 10.6.21. Only one letter from a local resident was received following the re-consultation. This was a letter of objection and details are found below.

1.9 Plans approved under P19/11955/RVC:

As received by the Council on 12.10.18:  
Existing and proposed volume calculation - P003 A

As received by the Council on 29.10.18:  
Existing elevations and floor plans - PL03 A

As received by the Council on 14.3.19:  
Site location plan - PL01 A  
Existing block plan - PL12 B  
Proposed block plan - PL13B

As received by the Council on 1.5.19:  
Landscape master plan - 124/PA/01 G  
Landscape details - 124/PA/02 G  
Landscape details - 124/PA/03 G  
Landscape details - 124/PA/04 E

As received by the Council on 27.6.19:  
Site drainage layout - 001  
Basement and Ground floor drainage layout – 002

As received by the Council on 29.8.19:  
Proposed ground floor and basement plan - 3144 PL05B Floor Plans 1  
Proposed first floor and roof plan - 3144 PL06B Floor Plans 2  
Proposed NE and SE elevations - 3144 PL008D Elevations 1 (Front and south)  
Proposed NE and SW elevations - 3144 PL009D Elevations 2 (Rear and north)

Elevation detail -3144 PL010A (canopy detail)  
Elevation detail - 3144 PL14A Elevations 3 (South and north and bin and cycle enclosures)

1.10 Plans to be substituted:

As received by the LPA on 9.6.21:

Site plan - drawing 300A  
Block plan - drawing 301  
Lower ground floor plan – drawing 302C  
Ground floor plan – drawing 303C  
First floor plan – drawing 304C  
East and south elevations – drawing 310B  
West and north elevations – drawing 311B  
Landscaping Master Plan (01J-3-6-21)

As received by the LPA on 28.9.21:

Planting details sheet 1 – drawing 124/PA/02K  
Planting detail sheet 2 – drawing 124/PA/03K  
Planting details sheet 3 – drawing 124/PA/04G  
Attenuation pond – 202A  
Revised site plan – 400G  
Revised Arboricultural report – Rev A

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework  
National Planning Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

#### South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017



PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2015

SPD: Development in the Green Belt (Adopted) 2007

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

## 3. RELEVANT PLANNING HISTORY

- 3.1 P19/11955/RVC Variation of condition 2 attached to PT18/4625/F to substitute plan numbers 3144 PL05B, PL06B, PL08D, PL09D, PL010A and PL14A for plan numbers PL05A, PL06A, PL08C, PL09C, PL010 and PL14. Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.  
Approved 23.3.20
- 3.2 PT18/4625/F Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.  
Approved 23.7.19
- 3.3 PT18/5026/LB Internal and external repair works to access door, 2 no. windows, roof and wooden panelling. Replacement of 1no. window.  
Approved 23.7.19
- 3.4 PT18/026/SCR Screening opinion request for PT18/4625/F. Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments, parking, landscaping and associated works.  
Not required 6.11.18

- 3.5 PT15/3267/F Change of Use of Nursing Home (Class C2) to residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 22.9.15
- 3.6 PT12/3329/F Change of use to Residential Care Home with parking and associated works (Class C2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). External alterations to Main House, Stable Block and Cottage Block.  
Approved 28.2.13
- 3.7 PT02/1731/R3F Erection of spread spectrum radio aerial.  
Deemed consent 8.7.02
- 3.8 P89/2742 Change of use of premises from elderly persons home to accommodation for the elderly and mentally infirm, emergency duty team office and resource/activity centre; construction of vehicular parking area.  
No objection 15.11.89

#### **ADJACENT SITE**

- 3.9 P19/2266/F Erection of 2 no. detached dwellings with associated works.  
Refused 17.9.19  
Appeal dismissed
- 3.10 PT18/2466/RM Erection of 10no. dwellings with associated works (Approval of Reserved Matters - appearance, landscaping, layout and scale; to be read in conjunction with Outline Planning Permission PT17/2444/O)  
Approved 2.11.18

#### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
Objection to **original proposal**:  
Overdevelopment;  
Poor and dangerous proposed exit / access onto the A38;  
Traffic increase on an already busy road;  
Concern about insufficient infrastructure, in particular water / sewage;  
Environmental damage;  
Ambulance station is close by; ambulances must have unrestricted ingress and egress at all times;  
Significant public concern about all the above, but stressing the concern about the proposed access

*No updated comments received*

#### **Internal Consultees**

- 4.2 Public right of way

- No objection
- 4.3 Public art  
No objection
- 4.4 Crime prevention officer  
No objection
- 4.5 Landscape officer  
Following the submission of revised plans - No objection subject to agreement of a more sympathetic earthwork design for the attenuation basin – can be agreed as a condition.
- 4.6 Tree officer  
No objection subject to a **condition**

### **Statutory / External Consultees**

- 4.7 Transport Officer  
Objection to change to access.

Updated comments on revised description:

*It is encouraging to see that the revised site plan and landscaping plan indicate parking across the access to Oaklands Drive whereas on the previous iteration (within the Transport Assessment) this was shown to be an access point. Whilst as previously stated we have no objection to the proposal of utilising Oaklands as an emergency access point, there were objections to the use as the primary point of access. This would now appear to be have been clarified, however, to be certain I would still require condition 4 attached to planning permission PT18/4625/F to remain in place.*

- 4.8 South Western Ambulance Trust  
Objection to **original proposal**:  
Egress from Oaklands Drive to effect a right turn on to the A38 to access other main road networks is problematic to say the least, in particular due to the topography of the land and the curve in the road giving very little advance warning to make the safe transition into the Bristol bound carriageway safely. Large and slow construction/supply vehicles would find this additionally difficult and would I feel present an unnecessary increase in risk to themselves and other road users, as I know well how difficult this manoeuvre can be even for an emergency ambulance displaying audible and visual warnings.

I also have concerns regarding an increase in traffic into Oaklands Drive, particularly vehicles of a larger type, impacting on our ability to promptly and safely egress when needing to respond to emergency calls from our base here. This in turn impacting negatively on our response times, and very genuinely therefore having a concomitant potential impact on effective patient care and clinical outcomes for the public we serve.

*No updated comments received to change of description*

## **Other Representations**

### 4.9 Local Residents

**After description of development was changed** to exclude reference to changes to access, 1 letter of objection was received from a local resident. The points raised are summarise as:

- still object to any vehicular access from Oaklands Drive including ambulance access
- leaving any access from woodlands drive is just a long game to some day in the future be using that access as the main entrance
- why is the plant room located at the far end of the building. Has noise been taken into consideration?

**Prior to description of development being changed** 18 letters of objection were received from local residents. The points raised are summarised as:

#### Transport:

- Access via Oaklands Drive will cause:
- Nuisance and disruption
- Create unsafe environment for those living on road and especially children playing here
- Recently had 10 extra houses built with access along Oaklands Drive
- Works traffic would cause inconvenience to residents and Ambulance Service
- At junction of Oaklands Drive/A38 the gap in the central reservation is too narrow for cars to stop safely when turning right, unless positioned obliquely.
- This junction is on a blind bend at the brow of a hill.
- If travelling south on the A38, the central reservation is too narrow to allow for cars turning in of and out of Oaklands Drive at the same time, meaning cars back up onto the A38 on a blind bend.
- Good egress has to be maintained for the ambulance service which is stationed in Oaklands Drive
- This junction is used as a U-turn for vehicles going to the Interchange hotel and the new helicopter base thus increasing the congestion in the gap of the central reservation.
- The junction of Woodside Drive/Motorway Police/A38 has much better visibility; is wide enough to allow for multiple vehicles to wait safely; and will serve the redevelopment and onward use of Oaklands much more appropriately
- Oaklands Drive is a residential cul-de-sac with no pavement on part of it – development will make it a thoroughfare first for construction traffic then for future deliveries, staff and visitors to the care home
- The recently completed 10 houses use access from the southern road which has since been made more suitable for traffic to the nursing home.
- Goes against what was originally agreed and approved

#### Other:

- Potential for anti-social behaviour

- Care home has closed footpath through the site which has been open for over 100 years
- Number of beds in care home has increased from 43 to 61 but no increase in the on-site parking

-

## 5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks to vary the condition relating to approved plans. The access will remain as being off Gloucester Road.

### 5.2 Principle of Development

Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.

5.4 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

5.5 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

### 5.6 Analysis of the proposal

Approval for the care home under PT18/4625/F granted the demolition of the existing building and the erection of a care home (Class use C2) with 26 no. nursing bedrooms and 15 no. assisted apartments. A subsequent s.73 application P19/11955/RVC, changed the configuration of the care home, by increasing the number of nursing bedrooms, but at the same time removing the assisted apartments.

There is now only one element to this current application given the change to the access is no longer being assessed:

- Alteration to plans

### 5.7 Alteration to plans:

Following on from P19/11955/RVC which changed the configuration of the care home, amendments to plans are now sought to allow additional communal and

- service rooms to support the altered accommodation. The additional space is to be located on the lower ground floor (previously referred to as the basement).
- 5.8 Details go on to state that the proposed increased floor space being located below ground level will have no adverse effect on the appearance of the building save for the previously proposed walkways from ground floor would be removed and replaced with balconies to match those proposed on the first floor. Materials would remain as previously proposed and approved.
- 5.9 In light of the extant approved scheme planning application the proposed changes can be considered to be non-material and the proposal is therefore acceptable in these terms. The revised plans will be added to the decision notice.
- 5.10 Residential amenity:  
The proposed changes would not affect the amenity of nearby residents.
- 5.11 Transport:  
The proposed changes would now not impact on the access or parking previously approved but a condition preventing the use of the Oaklands Drive access for anything other than emergency vehicles is to be re-attached to the decision notice.
- 5.12 Trees:  
It is noted that Landscape comments stated plans showed there being more trees for removal than compared with the original plan. Officers confirm that there have been some removals by previous owners of the site.
- 5.13 Further to this Officers have consented the removal of a group of 4 x Yew trees in order for the Japanese knot weed to be excavated and removed from site. This means that the protective fencing can be fully installed to its final positioning for the development of the site.
- 5.14 Upon inspection of the site it is recognised that due to neglect the grounds are in need of restoration and some trees are in very poor condition. As such an addendum has been submitted with the application to allow certain tree works to be undertaken. These works will allow the erection of scaffolding, cutting back overhangs from adjacent properties, dead wooding, balancing of crowns and any other access facilitation pruning of trees on the site.
- 5.15 The proposal includes new tree planting and herbaceous planting throughout the site as per the submitted landscape plans. Some of the rarer species on site have had cuttings taken for propagation for reestablishment on the site in the future.
- 5.16 Provided that the trees are protected in accordance with the submitted Arboricultural documents and all works within the root protection areas of the trees are overseen by the appointed Arboricultural consultant, there are no objections to this proposal.

5.17 Landscape comments:

The proposal shows the following design changes:

- Additional planting beds around the SE wing of the building.
- Removal of the pergola walk and bog garden and instead provision of a swale leading to a pond area.
- Potentially more trees retained to the SE of the swale.
- Loss of existing trees previously shown for retention;

5.18 The proposed pond and swale, and planting beds around the edge of the building have the potential to form alternative features of interest. However, during the application a set of updated detailed planting plans were requested to match the original consented landscape information. It was requested that these details should also provide a cross-section and levels for the new pond/swale/bridge to ensure that these features are appropriately integrated into the surrounding landform and character of the site.

5.19 Revised planting plans 02 Rev. K, 03 Rev. 03K and 04 Rev. G provide the requested level of landscape information to comply with the consented plans and watering to aid establishment of new planting has been added to the schedule of annual maintenance works, as requested.

5.20 With regards to the attenuation basin, plans indicate it would have a 1: 2.5 max. bank slopes (in accordance with pond detail plan -202 Rev. A). However, it is considered this is not very sympathetic to the surrounding character and usage of the site. There appears to be space to its west to enlarge its footprint and accordingly slacken the gradient of its sides, with the new tree and understorey planting accordingly moved further west too. It is considered that this can be dealt with by a new condition, but would require cross section and levels as the pond/swale/bridge are new elements compared to the consented scheme given these .

5.21 Given the above there are no objections to the proposal.

5.22 Other conditions:

Conditions attached to this application include:

Final parts of contamination condition

Compliance with Travel Plan

Compliance with CEMP updated 5.10.21

Works to be carried out in accordance with submitted Arboricultural Report

Works to be carried out in accordance with the planting schedule and landscape master plan

Submission of details of the swale/pond/bridge

Evidence of the implementation of mitigation and compensation recommended within the Ecological Appraisal

Scheme of details of public art provision

No access from Oaklands Drive apart from emergency vehicles

5.23 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.24 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.25 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to conditions attached to the decision notice.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of Planning Permission PT18/4625/F dated 23rd July 2019.

#### Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Development to proceed in accordance with the following plans:

As received by the Council on 12.10.18:

Existing and proposed volume calculation - P003 A

As received by the Council on 29.10.18:

Existing elevations and floor plans - PL03 A



As received by the Council on 14.3.19:

Site location plan - PL01 A

Existing block plan - PL12 B

As received by the Council on 27.6.19:

Site drainage layout - 001

Basement and Ground floor drainage layout - 002

As received by the LPA on 9.6.21:

Site plan - drawing 300A

Block plan - drawing 301

Lower ground floor plan - drawing 302C

Ground floor plan - drawing 303C

First floor plan - drawing 304C

East and south elevations - drawing 310B

West and north elevations - drawing 311B

Landscaping Master Plan (01J-3-6-21)

As received by the LPA on 28.9.21:

Planting details sheet 1 - drawing 124/PA/02K

Planting detail sheet 2 - drawing 124/PA/03K

Planting details sheet 3 - drawing 124/PA/04G

Attenuation pond - 202A

Revised site plan - 400G

Revised Arboricultural report - Rev A

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. Development shall proceed in accordance with the following plans and planting schedules:

Landscape Master Plan -01 Rev. J; Planting details sheet 1 - drawing 124/PA/02K; Planting detail sheet 2 - drawing 124/PA/03K; Planting details sheet 3 - drawing 124/PA/04G.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to the commencement of this part of the scheme full details of the attenuation pond/swale/bridge are required including a cross section of the structure(s). The details are to be submitted for written approval by the LPA and development is to proceed in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. There shall be no vehicle access to the site from Oaklands Drive other than for emergency vehicles.

Reason:

To reduce the impact of the proposed development on the residents of Oaklands Drive and also for highway safety in that it will also remove additional turning movements at the junction of Oaklands Drive and the A38 in accordance with Policy CS8 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and the NPPF.

6. Contamination:

A) Desk Study -

Following the submission of a combined Phase 1 Desk Study and Phase 2 Site investigation that included a site walkover, intrusive ground investigation, preliminary and updated conceptual site models (CSM), risk assessment, remediation recommendations and recommendations for further work, the LPA agreed with the methodology, conclusions and recommendations. As such Part A was discharged under DOC20/00166 on 7.9.21.

A supplementary ground investigation including additional testing should be carried-out to characterise the made ground and natural soils beneath areas of hardstanding and the Oaklands building footprint following demolition of the existing structure.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the

verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Ecology:

Prior to first occupation, evidence of the implementation of mitigation and compensation recommended within Chapter 4 of the Ecological Appraisal (Crossman Associates, June 2019) shall be submitted to the local planning authority for approval in writing. This shall include evidence of ecological supervision during demolition, the provision of bat boxes during demolition, the installation of integrated bat boxes as compensation, the installation of bird boxes, and the provision of a reptile mitigation strategy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework

8. Public art:

Prior to first occupation, a scheme of public art on the site should be submitted to the LPA for written approval. The development shall continue in accordance with these approved details.

Reason

In the interests of visual amenity and cultural activities for new residents and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

9. CEMP:

Development shall proceed in accordance with details contained within the Construction Environmental Management Plan (CEMP) dated 5.10.21 and discharged by the LPA under DOC20/00166 discharged on 6.10.21.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

10. Travel plan:

The development shall proceed in accordance with the the Travel Plan Statement dated March 2021 as submitted under DOC21/0166 and discharged on 7.9.21.

Reason

In the interests of highway safety, to encourage other forms of transport and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. The development shall proceed in strict accordance with the Arboicultural Report rev A received on 28.9.21.

Reason

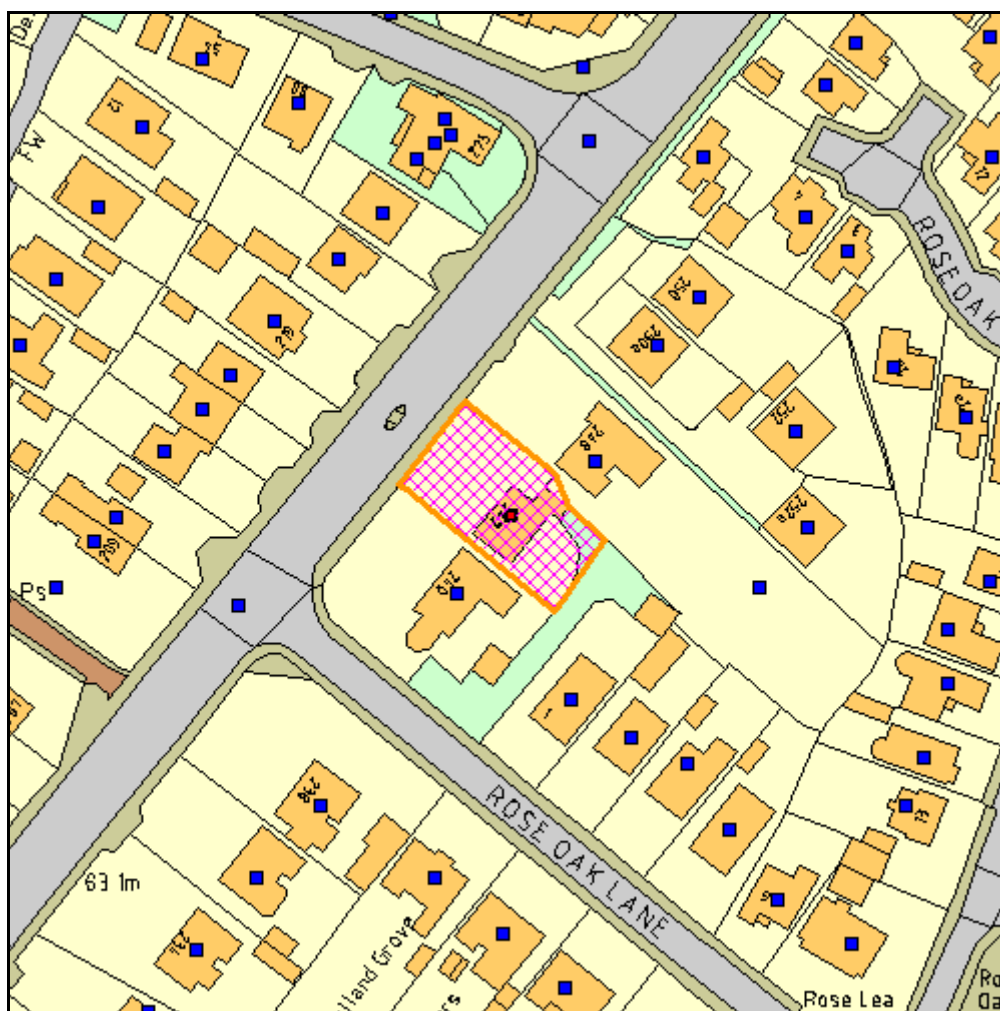
To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

**Case Officer: Anne Joseph**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/01781/F	<b>Applicant:</b>	Mr Chris Luton
<b>Site:</b>	242 Badminton Road Coalpit Heath South Gloucestershire BS36 2QH	<b>Date Reg:</b>	30th March 2021
<b>Proposal:</b>	Raising of roofline to facilitate loft conversion to create additional living space. Erection of two storey side extension, two storey front extension and single storey rear extension to form additional living accommodation. Creation of new Vehicular Access.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367747 181114	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th May 2021



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N.T.S.

P21/01781/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

This application has been referred to the Circulated Schedule as the Officer's recommendation is contrary to the view of Westerleigh Parish Council.

## **1. THE PROPOSAL**

- 1.1 Planning permission is sought for raising of the roof to accommodate a second storey, a two storey side extension, front and rear single storey extensions and the introduction of a new access at 242 Badminton Road, Coalpit Heath.

This application has been substantially revised from its initial submission in response to a variety of concerns raised with the original design and the applicant having secured an alternative architect.

- 1.2 The application site comprises of a broadly rectangular shaped plot that currently features a mid-20<sup>th</sup> century detached bungalow of brick construction. The dwellinghouse has benefitted from the addition of an attached single storey garage upon its northern flank with vehicular access gained via a shared driveway to the rear. The remainder of the curtilage includes an open lawned front garden and an enclosed rear garden. The site is bounded on either side by similarly scaled bungalows with 1.5 and two storey properties situated beyond them, opposite the site are two-storey dwellinghouses of no consistent scale or form. This broad mix and range of housing types is typical of both Badminton Road and the wider context of the village of Coalpit Heath.
- 1.3 The application site is situated within the Frampton Cotterell & Coalpit Heath settlement boundary, has been identified as having potential for historic subterranean coal workings and may also be of archaeological significance.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

- i. National Planning Policy Framework 2019
- ii. National Planning Practice Guidance 2014

### **2.2 Development Plans**

**South Gloucestershire Local Plan - Core Strategy** (Adopted December 2013)

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS34 Rural Areas

**South Gloucestershire Local Plan: Policies, Sites and Places Plan**  
(Adopted November 2017)

- PSP1 Local Distinctiveness

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development Within Existing Residential Curtilages, Including New Extensions and New Dwellings
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)
- v. Frampton Cotterell & Coalpit Heath Village Design Statement

## 3. RELEVANT PLANNING HISTORY

3.1 None.

## 4. CONSULTATION RESPONSES

### 4.1 Westerleigh Parish Council

*Initial response* – Objection. The plans show a very large increase in size and would create a building dominating the street scene out of keeping and detrimental to the area. There is a lack of a vehicle access plan, and the garage situation is not practical.

*Re-consultation response* – Objection. The plans show a very large increase in size and would create a building dominating the street scene out of keeping and detrimental to the area.

### 4.2 Transportation Development Control

*Initial response* – Required additional information.

*Upon receipt of parking plan* – Objection. The proximity of the proposed access to the pedestrian island would prohibit right turning traffic from entering the site safely. This would cause vehicles to either travel further along Badminton Road to undertake a U-turn or alternatively cross over the corner of the pedestrian island. Either option is unacceptable.

*Upon receipt of swept path analysis* – No objection. The applicant has justified that a safe access can be formed without impeding upon the pedestrian islands in the highway. Given the above, there are no transportation objections subject to a condition retaining the beneficial use of the parking spaces illustrated on the plans.

### 4.3 Parish Cllr Rob Mc Cullough

The plans for this application seem to suggest a new vehicular access to the front of the property in order to serve the proposed garage. Previously vehicular

access was only by the lane to the rear. However, no detail or plans have been given to suggest the formation of a new access point. Furthermore, it would seem that work has already commenced to introduce a new access directly onto Badminton Road in the front of the property. This works would introduce, one can only assume, a dropped kerb very close to the existing pedestrian crossing. Are there plans and detail missing from the records on the portal for this application?

#### 4.4 Neighbouring Residents

There have been two neighbour responses to this proposal, one objecting to the scheme and one neither objecting nor supporting the proposal. These neighbours wished to convey the following concerns:

- The only access to my property is a shared drive for the rear of this property. I do not want vehicles parked on this drive blocking my access at any time.
- An access to Badminton Road has been created immediately adjacent to an existing crossing island relied upon by local families & children, significantly increasing the risk of using it to cross the road.
- The scale of the proposed development is significantly larger than the existing bungalow, and those either side of & behind it, both in terms of height and footprint. This makes it not in-keeping with the existing properties. Contrary to Village Design Statement "Alterations, conversions, extensions and new building projects should take design cues from existing buildings in the vicinity."
- The proposal is not simply 'raising the roof line'. Other bungalows in Frampton Cotterell & Coalpit Heath use the existing roof line and dormers to convert the loft space in to a second floor.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application site is situated within the Frampton Cotterell & Coalpit Heath settlement boundary and is currently utilised as a C3 dwellinghouse. The proposed development would add an additional storey and various extensions to the property providing additional living accommodation and a new vehicular access. This intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

#### 5.2 Design, Character & Appearance

Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be



informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

The scheme as initially submitted sought to secure a larger and less cohesive adaptation of the existing bungalow than the current scheme. This original proposal sought to extend the property on either side to span the full breadth of the curtilage and featured a much more prominent two storey porch as well as a more pronounced forward projection of the two-storey side extension element incorporating a somewhat congested mix of render, cladding and natural stone across its principal elevation. This scheme was considered to fall unacceptably short of the design standards set out in CS1 and PSP38, appearing as an oversized, overtly dominant and unbalanced addition to the streetscene that failed to respond to its context. In response to officer feedback and facilitated by the commissioning of a different architect, a succession of revised plans have been submitted that seek to address these concerns. These latest revisions are considered to have satisfactorily addressed these design issues and forms the basis of this assessment.

The proposed works to the dwellinghouse comprise of four distinct, yet interconnected elements: the raising of the roof to accommodate a second storey, demolition of the existing garage to be replaced by a two storey front and side extension, a single storey rear extension and the introduction of a front porch. The nature of these changes to the property do not accord with the principle of subservience which seeks to retain the existing character, but rather seeks to secure a comprehensive reimagining of the property broadly akin to that of a replacement dwelling.

The most striking alteration relates to the additional massing afforded by the side and front extension in combination with the raising of the roof. The front and side extension would project 3.4 metres from the existing side elevation and 1.5 metres forward of the existing principal elevation. This forward projection would introduce a protruding integral garage which, whilst a departure from the design principles for front extensions detailed in the Householder Design Guide SPD, is nevertheless clearly informed by the design of the adjacent property, No. 244 Badminton Road which it emulates. This accords with paragraph 3.10 of the Frampton Cotterell & Coalpit Heath Village Design Statement which seeks developments to take design cues from existing buildings in the vicinity. The fundamental difference being that this extension would also introduce a second storey, doubling the eaves height from 2.5 metres to 5 metres and this additional height is carried across the rest of the property. To temper the extent of this additional massing, the roof has been altered to a hipped form, reinforcing the similarity with No. 244 but with the addition of a forward facing cross gable to the south of the principal elevation. This extra feature would not strictly accord with best practice principles as it not only introduces a mix of gabled and hipped elements, but the use of a cross gable would typically be married to a projecting element, affording it the greatest prominence and establishing it at the top of the hierarchy of design features exhibited on the property. In this instance, that principle has been deliberately subverted to provide a counterweight on the southern side of the principal elevation. Whilst counterintuitive, this succeeds in providing the principal elevation with greater balance and visual interest. As such, this

somewhat unusual mix of design features upon the frontage of this property is not a source of concern in of itself and the additional height and massing raises no issues in principle, subject to suitably respecting the character and distinctiveness of its context. This consideration shall be revisited once having addressed the other elements of this proposal.

The front porch would span 3 metres wide and project 1 metre forward of the existing elevation and feature a simple dual pitched design rising from an eaves height of 2.5 metres to a ridge height of 3.55 metres. This gabled form would complement the pitch and proportions of the cross gable feature at first floor level, serving to enhance the design credentials of both features whilst effectively breaking up the expanse of massing across the principal elevation. The specification of a natural stone finish for the external materials would similarly serve to enhance the cohesion of this elevation, corresponding to the finish of the ground floor element of the projecting side extension. As such, this porch feature would not only accord with the relevant guidance for front extensions detailed in the Householder Design Guide SPD, but also serve as an anchoring feature that improves the overall relationship of the other design elements exhibited upon the principal elevation.

The addition of a single storey rear extension to this planning application is the end result of a series of alternative designs seeking to reduce the overall massing of the property that is legible from the streetscene, whilst also securing a similar provision of floorspace, without compromising the utility of the rear garden as a secure children's play area. The resulting extension would be centrally positioned within the rear elevation and measure 2.5 metres in depth and 6.7 metres in width with an eaves height of 3.2 metres. This aspect of the proposal is the least concerning part of the scheme from a design perspective as the only factor that disqualifies this from being a permitted development is the choice of natural stone for the external materials. This distinction from the existing brick and the proposed rendered finish of the rest of the rear of the property would correspond to similarly natural stone finished protrusions on the principal elevation and is considered to make a positive contribution to the character and appearance of this dwellinghouse. The only other factor concerning the design of the rear extension of note relates to the specification of a GRP flat roof. This would not accord with the best practice principles detailed in the Householder Design Guide SPD which specifies that the roof form of extensions should reflect the characteristics of the main dwellinghouse. Notwithstanding this, such flat roof additions to the rear of dwellinghouses are well established features and in this instance such a departure from best practice is not considered to have any discernible harmful impact.

Having identified that each of these four elements of the scheme are considered to exhibit a somewhat unconventional, but nevertheless acceptable design and appearance when considered on their own merits, it is now pertinent to consider these changes within the context of Badminton Road and how it would affect the streetscene and local character. It is this element of the proposal which is the source of an objection from Westerleigh Parish Council, who have deemed the alterations to be too large, too dominant within the streetscene and out of character with the area. Mindful that the application site is bounded by bungalows on either side and the aforementioned additional

massing would more than double the existing buildings volume, it is easy to see how this has been concluded. Yet, this fails to acknowledge that this stretch of Badminton Road is characterised by interspersed single storey, 1.5 storey and 2 storey dwellings of varying scale across a variety of plot sizes. Notable examples of two storey dwellings situated amidst bungalows include No. 230 and No. 232, as well as Nos. 218-224. Conversely, bungalows situated amidst two storey dwellings are also evident at 199, 197a as well as 198a. This demonstrates that the streetscene does not exhibit an overarching norm in terms of building height and whereas there may be grounds for a strong character objection to this form of development in an area of exclusively single storey development, the existing mix of single, 1.5 and two storey properties on Badminton Road would ensure that this proposal would not appear out of place within this context.

The presence of 1.5 storey dwellings within the vicinity is the result of various loft conversions to expand what were originally bungalows. This gives weight to the representation received from a concerned neighbour that the retention of the existing roof line and insertion of dormers is more consistent with local character than that which is proposed in this application. Whilst it is accepted that this has been the predominant form of converting bungalows within Coalpit Heath, the extent of the remodelling of this property is considered more akin to a replacement dwelling than a simple loft conversion. As such, this assessment is concerned with the acceptability of the resultant two storey dwelling and not whether this form of conversion is itself a common characteristic of the locality. Moreover, as the existing bungalow has little to offer in terms of existing design merit, the evolution of its character and appearance via the insertion of additional features including a second storey is not considered to be any less favourable than a more modest conversion that seeks primarily to retain the bungalow's existing character. Furthermore, to minimise the massing of this second storey, the ridge height of this proposal has been kept as low as practicably possible, only exceeding the height of No. 244 by 1.35 metres. This height differential is in fact less significant than the height differential between various adjacent two-storey properties within the vicinity, the most immediate example being the relationship between No. 225 and No. 223. In addition, contrary to the representation received from a concerned neighbour, the building footprint and 14.5 metre breadth of the proposed dwellinghouse is consistent with the adjacent No. 244 and only marginally larger than No.240.

All of the above serves to demonstrate that the character of this stretch of Badminton Road is comprised of a broad mix of housing types and forms for which this proposal would not appear as a jarring or otherwise exceptional addition. Examples of all of the proposed design features and relationships between neighbouring properties can be evidenced in the surrounding vernacular within as little as a 100m radius. Further, the streetscene does not benefit from an established rhythm and the height and breadth of the proposed frontage is comparable to those of properties within the surrounding vicinity, albeit its massing would surpass that of the two immediately adjacent bungalows. As such, the physical presence of this property would be more substantial than its single storey neighbours, but this is not considered to constitute an exceptionally dominant frontage within the varied context of Badminton Road's existing streetscene.

A final consideration that should also be acknowledged is that under the provisions of Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended) a property of this age can secure an additional storey via a prior approval application. This prior approval process would only assess the impacts upon neighbouring amenity, external appearance, air traffic and defence assets as well as any legally protected views. Mindful that none of these factors would incur an objection if applied to this property, the acceptability in principle of introducing a second storey is therefore already established and the proposed design depicted in this proposal is considered a significant enhancement upon that which could be secured via this fall-back permitted development position.

Whilst it is accepted that the resultant appearance of this property may not especially enhance the character and distinctiveness of the area as sought by CS1 and PSP1, neither is it considered to contribute a detrimental impact. As such, notwithstanding the objections of a concerned neighbour and the Parish Council, this proposal is considered to have an acceptable impact, effectively reinforcing the interspersed mix of housing types exhibited within the streetscene, such that this proposal would constitute a significant change to the existing property's appearance, but not a significant change to the characteristics of the locality.

In summation of the above, the four additional elements proposed for the existing bungalow would not strictly accord with best practice principles, but these deviations are either considered to be sufficiently justified or are otherwise deemed to be benign. The additional massing would significantly alter the appearance and character of the property, but these changes are informed by local precedents and serve to reinforce existing characteristics exhibited within Badminton Road's streetscene. As such, the revised design would accord with the Frampton Cotterell & Coalpit Heath Village Design Statement, broadly satisfy the design requirements of CS1 and would fulfil part 1) of PSP38.

### 5.3 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.

The most pronounced neighbouring amenity concerns arising from the proposal relate to the potentially dominant presence afforded by the introduction of the second storey and the resultant outlook of the additional first floor habitable room windows that adorn its front and rear elevations.

Of the four first floor windows proposed for the principal elevation, three of these serve bedrooms which could give rise to interlocking between these habitable rooms and the habitable rooms of the properties opposite. When

considering such matters of privacy and interlocking it is useful to refer to the Assessing Residential Amenity: TAN which stipulates that whilst there is no minimum window-to-window distance for properties that face each other across the public realm, consideration is to be given to the prevailing separation distance within the locality. When applied to this circumstance, the proposed window-to-window distance is in excess of 40 metres, a distance that surpasses the prevailing separation distance between facing two-storey dwellinghouses exhibited on this stretch of Badminton Road. This arrangement is therefore in-line with the established norms of the area and is considered to be acceptable.

Concerning the rear elevation, this would introduce two habitable room windows affording an elevated outlook over the rear gardens of the surrounding properties. The presence of a gabled rear extension to the adjacent bungalow at No. 240 and mature trees located on the boundary with 244 would effectively restrict any line of sight to either of these adjacent properties gardens such that the most defensible space immediately to the rear of these dwellinghouses would not be overlooked. Conversely, these factors also serve to ensure that the additional height and bulk of the proposed first floor would not be an imposing presence or otherwise have an overbearing impact upon the rear of either of these properties.

Of greater concern is the outlook afforded across the rear gardens and rear elevations of the bungalows on the northern side of Rose Oak Lane, as the elevated position of these windows would afford views over the existing boundary treatments. Referring once again to the Assessing Residential Amenity: TAN, this stipulates that to secure a degree of privacy that would accord with the highest possible standards of design, a minimum window-to-window distance of 20 metres should be retained. It then expands upon this to explain that this distance can reasonably be reduced where properties face each other at an oblique angle of 30 degrees or more. In this case, the properties are orientated perpendicular to each other with the nearest habitable room window, that of No.1 Rose Oak Lane, 21 metres distant. This is considered more than sufficient to afford an acceptable degree of privacy for the dwellinghouse itself, yet the casual surveillance afforded over the rear garden is still a concern. The view across this rear garden from the first floor windows is the most intrusive aspect of the proposal, but it is somewhat mitigated by the distances involved and the presence of an intervening shared driveway between the properties. It is also noteworthy that the occupants of this most affected property, No.1 Rose Oak Lane, have responded to the neighbour consultation but only sought to raise concerns relating to the accessibility of their garage, not any concerns regarding overlooking or overbearing development. Upon an examination of this particular issue during the site visit, this relationship was considered to be sub-optimal, but was not deemed an unacceptably dominant or overbearing form of development. As such, the additional presence and outlook afforded by this proposal would be insufficient to sustain a neighbouring amenity objection to the scheme.

At this stage it is also useful to consider the fall-back permitted development position, the host dwelling retains its permitted development rights and therefore the applicant has the right as the homeowner to construct rear

dormers serving habitable room windows on their rear roof plane. This would afford an identical outlook and sense of intrusion to that which is proposed in this application and would be necessarily acceptable. As such, even if this relationship was deemed to have a significant detrimental impact, to sustain an amenity objection on these grounds would be unreasonable as this precise arrangement could be secured without requiring planning permission.

The final relevant neighbouring amenity consideration relates to light. The orientation of this stretch of Badminton Road is on a north-south axis such that the shadow cast by the proposed additional storey would predominantly affect No.242 Badminton Road. This would manifest as an initially large but receding shadow across the front garden in the mornings and would gradually spread across the rear part of their rear garden through the afternoon if it were not for the presence of intervening mature trees on the site boundary. As such, the limited loss of light afforded to No. 242's front garden in the mornings would not have an unacceptable impact upon neighbouring amenity. The only other property to experience any potential overshadowing would be the loss of evening sun from the rear garden of No. 1 Rose Oak Lane. This however is not considered to have a significant impact as for the host dwelling to cast a shadow so far as to significantly affect this garden, the sun would need to be sufficiently low in the sky that the boundary treatments that enclose this garden would have already cast it into shadow.

With regard to the impact upon the amenity afforded to the occupants of the host dwelling, on this occasion it primarily relates to the provision of an acceptable degree of private amenity space. PSP43 stipulates that a four bedroom property such as proposed should provide a minimum of 70 sq. metres of usable private amenity space. The removal of the rear vehicular access driveway and alterations to the boundary treatments would enclose a useable area of 150 sq. metres within the rear garden, significantly more than required by PSP43.

In light of the above, notwithstanding the concerns regarding the relationship with No. 1 Rose Oak Lane, this proposal is not considered to incur any of the unacceptable impacts to neighbouring amenity as detailed in PSP8 and would satisfy both parts 2) and 4) of PSP38.

#### 5.4 Sustainable Transport & Parking Provision

Policy CS8 of the Core Strategy outlines that vehicular access to a site should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety. Policy PSP11 of the Policies, Sites and Places Plan outlines that appropriate, safe, accessible, convenient and attractive access should be provided for all mode trips arising to and from a particular site. In terms of parking, policy PSP16 of the Policies, Sites and Places Plan sets out the Council's minimum parking standards for residential development.

The proposed works would serve to provide additional living accommodation within the property, increasing the provision of bedrooms from two to four. This can result in a greater degree of occupancy within the dwelling which can, in

turn, put more pressure on the existing parking arrangements. To address this, policy PSP16 stipulates minimum standards for off-street parking provision that are contingent on the number of bedrooms contained within a dwellinghouse. When applied to this instance, the requisite number of parking spaces to satisfy PSP16 for a four bedroom property would be the provision of two spaces.

The initial plans submitted in support of this proposal indicated the presence of an integral garage on the principal elevation, but it did not include any details relating to parking provision or the introduction of a new access off Badminton Road. This has been the principal concern of much of the representations received, particularly as the construction of this aspect of the proposal was begun prior to this application being determined. Upon the receipt of amended plans that included details of the new access, it was also revealed that the existing rear access is proposed to be blocked up and the requisite provision of two parking spaces transferred from the rear driveway to within the front garden. The introduction of this new access off Badminton Road has been assessed by the Transportation Development Control Officer who is satisfied that the available visibility splays are sufficient, the complicating factor that has incurred an initial objection relates to the proximity of this access to the pedestrian crossing situated in front of the property. This was perceived to prohibit right turning traffic from entering the site safely, requiring vehicles to either travel further along Badminton Road to undertake a U-turn or cross over the corner of the pedestrian island. Neither of these options being considered an acceptable or favourable alternative to the existing access gained from the shared driveway to the rear of the property.

In response to this objection to the proposed new access, the applicant has appointed a Transportation Consultant who has provided an additional illustrated plan in support of this proposal. This demonstrates a swept path analysis for a 4.17 metre long estate car entering and exiting the site from both directions without incurring any manoeuvres that could be deemed a risk to the safety of pedestrians or other highway users. In light of this additional information, the proposal would demonstrably accord with PSP11 and as such the Transportation Development Control objection has been rescinded in favour of a condition that secures the two parking spaces depicted upon the plans to be retained for this purpose. As such, in light of the additional information provided, this proposal would satisfy the requirements of PSP11, PSP16 and part 3) of PSP38.

## 5.5 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It

requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED subject to the conditions detailed on the decision notice.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The off-street parking facilities shown on the plans hereby approved shall be provided before the works to the dwellinghouse come into beneficial use and shall thereafter be retained for that purpose.

Reason:

To ensure that adequate off-street parking provision is secured in accordance with policy PSP16 of the South Gloucestershire Local Plan: Policies Sites and Place Plan (adopted 2017) and that vehicles are able to safely access and egress the site in a forward gear in accordance with policy PSP11 of the South Gloucestershire Local Plan: Policies Sites and Place Plan (adopted 2017).

3. This decision only relates to the following plans:

The Location Plan

Received by the Local Planning Authority on 17th March 2021; and

Proposed Ground Floor, First Floor and Roof Plan - Drawing No: 242BR.JUL21.P.1.A  
Rev: A



Proposed Elevations - Drawing No: 242BR.JUL21.P.2.A Rev: A  
Proposed Site Plan - Drawing No: 242BR.JUL21.PSP.1

Received by the Local Planning Authority on 23th July 2021; and

Vehicle Swept Path Plots - Drawing No: 1136-001

Received by the Local Planning Authority on 10th September 2021

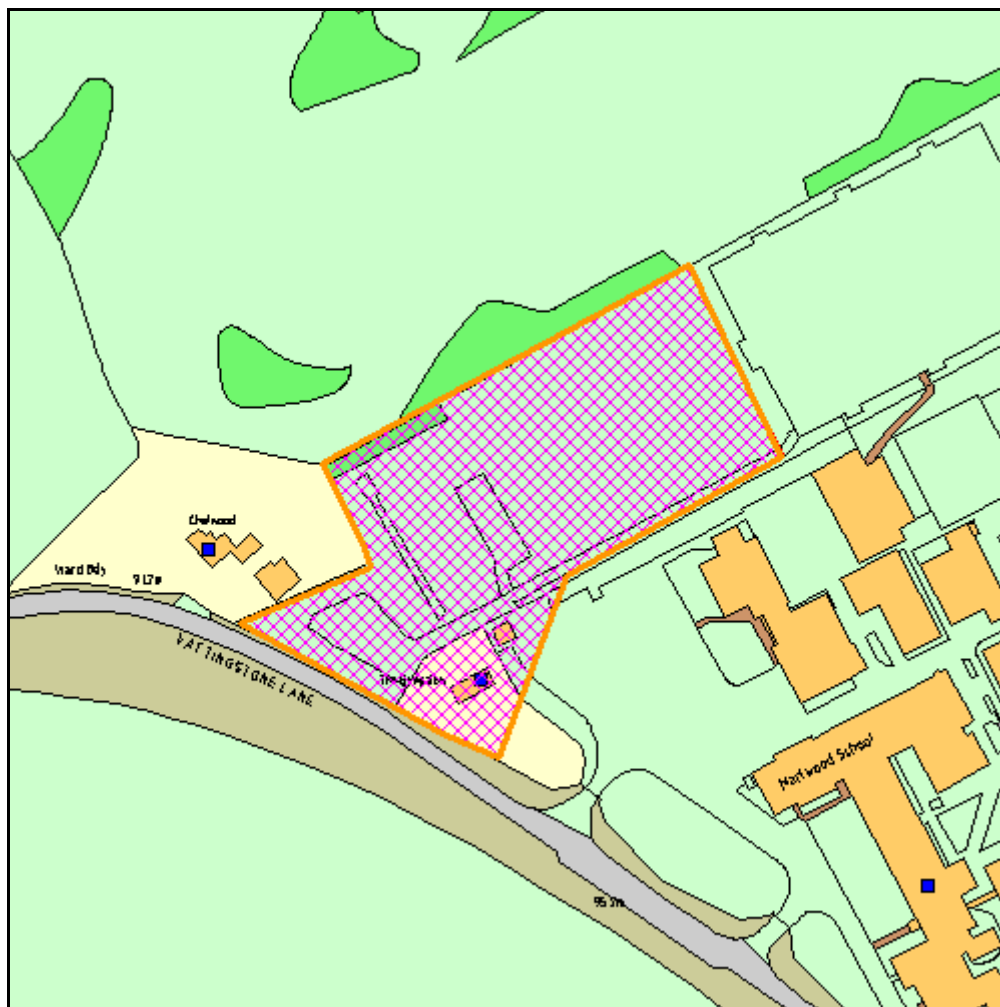
Reason:

For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

**Case Officer: Steffan Thomas**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/03069/F	<b>Applicant:</b>	Enable Trust
<b>Site:</b>	Land At Marlwood School Vattingstone Lane Alveston South Gloucestershire BS35 3LA	<b>Date Reg:</b>	17th May 2021
<b>Proposal:</b>	Demolition of existing structures and erection of Special Educational Needs and Disability (SEND) school with associated car parking and landscaping.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	362752 188386	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th August 2021



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N.T.S.

P21/03069/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

This application is referred to the Circulated Schedule in accordance with the Council's Constitution as the proposal is a departure from Green Belt policy.

## 1. THE PROPOSAL

1.1 The application proposes the demolition of the existing structures and erection of Special Educational Needs and Disability (SEND) school with associated car parking and landscaping on land at Marlwood School Vattingstone Lane, Alveston. The proposed is a mix of single storey and two-storey building to provide 112 places for children aged 2-19 with severe leaning difficulties, autistic-spectrum disorder and/or profound and multiple learning difficulties. The school is located within the grounds of Marlwood Secondary School, it covers circa 0.84 ha of the secondary school's 7.56 ha playing field, land used by the school caretaker's bungalow and part of the school car park. The site is relatively level, the height of the building approximately 8.8 metres, while the closest part of new building would be approximately 10 metres from the nearest residential boundary. The applicant has indicated that the building has been designed with an aim to meet the net zero carbon strategy. Turning to the landscaping, some tree removal is proposed but compensatory planting is shown.

1.2 The school lies off the NE side of the B4461 Vattingstone Lane to the NW of the settlement boundary of Alveston, in the Green Belt, within SGC Landscape Character Area 18: Severn Ridges. Travelling along Vattingstone Lane, the perception is that the area is in open, rural countryside. 3 no. Grade II listed buildings lie within 0.6km distance of its boundaries. Given its sensitive land-use designation, in addition to the basis documents regarding the proposal, the applicant submitted the following documents to support the proposal:

- 'Very Special Circumstances' for Green Belt Development
- Planning Obligation Statement
- Net Zero Carbon Strategy
- Community Involvement Statement.

During the course of the application, additional information and details were submitted, including Sections, Details of Highway Works, Footway Construction Details, External Materials, Drainage Analysis, Art Strategy, and Revised Hard Landscape Strategy.

## 2. POLICY CONTEXT

2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Practice Guidance

2.2 South Gloucestershire Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS2 Green Infrastructure

CS3	Renewable generation
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

2.3 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees & Woodland
PSP6	Onsite renewable
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP 11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP 20	Flood Risk
PSP 21	Environmental Pollution and Impacts
PSP 44	Open Space Sport and Recreation

2.4 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted August 2007)  
 South Gloucestershire Landscape Character Assessment SPD

### 3. RELEVANT PLANNING HISTORY

- |     |               |   |
|-----|---------------|---|
| 3.1 | N1896/2       | Erection of relocatable classroom<br>Approved 23.06.1976  |
| 3.2 | N1896/1       | Erection of an Elliott Relocatable Classroom.<br>Approved 13.10.1975                                      |
| 3.3 | P91/1402      | Construction of extension to existing car park.<br>Approved 29.05.1991                                    |
| 3.4 | P91/1614      | Construction of new access to caretaker bungalow.<br>Approved 19.06.1991                                  |
| 3.5 | PT10/0074/R3F | Formation of new sports facility including floodlighting<br>and perimeter fencing.<br>Approved 28.05.2010 |

### 4. CONSULTATION RESPONSES

- |     |   |
|-----|---|
| 4.1 | Thornbury Town Council – support this application |
| 4.2 | Other Consultees                                  |

Sport England (summary) - Objection. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meet with one or more of five specific exceptions. As the proposal would impact the existing playing field used for pitches and athletics, therefore, proposal does not meet one of the exceptions to Sport England's Playing Fields Policy or with the NPPF. In addition, the Football Foundation advised that the site is an important one for football. The adopted Council Playing Pitch Strategy recommends that the site should be protected and enhanced. Sport England also queried about the existing 3G pitch, potential contamination on the pitch as part of any construction work, any emergency vehicle access is still in place, possible inclusion of a GEN2 surface for the hard court area, how sport (tennis) being fitted into the project. It is also suggested an independent risk assessment is undertaken to gauge the likely impact of the development within close proximity to the golf course.

Health and Safety Executive – does not need to be consulted.

Sustainable Transport – no objection subject to conditions

Lead Local Flood Authority – no objection to conditions

Environment Protection (Contamination) – no objection subject to condition

Archaeology – no objection. Archaeological evaluation has occurred on this site during the determination period and demonstrated that quarrying has removed any potential archaeological deposits. As such, no further archaeological work is needed and no condition needs to be applied to any consent granted.

Listed Building and Conservation Officer – no comment.

Ecology Officer – no objection subject to conditions

Landscape Officer – Conditions are required seeking further details of landscape scheme

Arboricultural Officer - no objection subject to condition

Environment Protection (Noise) – no objection. The EP team (noise) notes the application and its submitted noise report. The methodology, assessment and comprehensive analysis of the build acoustics, external effects alongside noise criteria is properly considered and evaluated.

Designing Out Crime Officer – no objection

Environmental Policy and Climate Change Team – no comments received.

Art and Development – The schools/Trusts involved in this development have recognised the opportunity that integrating public art into the new school offers for

involving and enriching the students and developing a shared culture and understanding. Officer is satisfied with the aspirations outlined in their paper, and it is noted that they have started to identify local artists of quality who could work comfortably with the students to deliver a meaningful outcome. Subject condition asking the applicant to deliver a public art programme as proposed.

Public Open Space Officer - no comments.

## **Other Representations**

### Local Residents

2 letters of objection have been received and the grounds of objection can be summarised as follows:

- The proposal would be inappropriate development in the Green Belt, contrary to the national and local planning policies
- The development would have a harmful impact on the residential amenities of Chelwood House, by reason of loss of outlook and the creation of noise, disturbance and activity
- The development would result in harm to the visual and rural amenities of the area, by virtue of the construction of a large building in an open landscape setting
- The proposal would result in the loss of part of a playing field, contrary to the national and local planning policies
- The applicant's very special circumstances do not outweigh the harm to the Green Belt and the other identified planning harm
- Inadequate information with regard to constructional and engineering issues that affect the neighbouring property.

## **5. ANALYSIS OF PROPOSAL**

The application seeks consent for the demolition of the existing structures and the erection of a SEND school building with associated playing field, hard and soft landscaping areas, car parking and delivery access.

### **5.1 Principle of Development**

The site is situated within the existing school ground, and Policy CS23 supports the provision of additional, extended or enhanced community and cultural infrastructure in such locations. Nevertheless, the site is situated within the Bristol / Bath Green Belt and the proposal would result in a loss of existing playing fields. Therefore the proposal needs to be assessed against the relevant policies in these regards.

### **5.2 Green Belt**

National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 and 148 of the NPPF July 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that

substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considered. Whilst Paragraph 149 of the NPPF suggests that a number of exceptions, the proposal providing specialised education facilities would not fall within any of these exceptions. In order to justify the grant of planning permission, the applicant needs to demonstrate why the proposal needs to be located on this particular site.

- 5.3 The applicant's supporting statement has identified that there is a need to provide a special need school in South Gloucestershire area and additional places have already been created at existing special schools where sites and buildings have allowed. The need for a new SEND school with 112 places was calculated taking into the demographic growth in South Gloucestershire and the current pattern of provision for children with complex need. Also, due to the children's special and complex needs, any new facilities are required to meet certain requirement in order to provide special enhanced facilities on site, such as, enlarged rooms and circulation areas, etc. With regard to the site selection, the supporting statement lists 38 no. sites including Marlwood School, which have been considered. The report explained the reasons why some sites were discarded. 4 no. remaining sites were further assessed. Based on their availability, size, location, planning and deliverability, these sites have been scored individually. Accordingly the site considered the most feasible to develop is that at Marlwood School, and there would not be other sites that is able to deliver the project in a realistic timeframe.
- 5.4 Your case officer has thoroughly assessed the details submitted – both a pre-app stage and as part of this application. There is an unquestionable need for this specialist school in the county and this has been proved to be the best site for such a facility. Officers are satisfied therefore that the submitted details are adequate to demonstrate that there is adequate 'Very Special Circumstances' to justify the proposal at this particular site.
- 5.5 With regard to the level of harm caused to the openness of the Green Belt, it is noted that the building would be located adjacent to the existing buildings. Although it would have an adverse impact upon the openness of the Green Belt, the proposal does present a form of compact development given the close proximity to the existing school buildings. In addition, the proposed tree planting would help to mitigate the harm caused upon the landscape character of the area, the potential visual impact caused by the buildings.
- 5.6 In accordance with Para 148 of the NPPF, officers have weighed in the balance the harms caused by the proposal upon the openness of the Green Belt, and the potential social benefits in South Gloucestershire area, and also taken into consideration the criteria for the site selection to deliver this unique and special project. It is considered that in this instance, there are 'Very Special Circumstances' with the proposal to outweigh the harm to the Green Belt by reason of inappropriateness. .

#### Loss of Playing Field

- 5.7 Policy CS2 following the National Planning Policy Framework places great emphasis on protecting playing fields. Whether the scheme is acceptable in principle depends upon the impact of the development, however it is clear that the proposed SEND

school would result in a loss of playing field, therefore Sport England have raised an objection to the development as a matter of principle. To address the concerns by Sport England, the applicant submitted a statement to reiterate the following key points:

- The number of students on roll at Marlwood has declined over time. The long term plan by the Council is to build back up to a 6FE school (900 pupils). The remainder of the playing field land (excluding the application site) exceeds playing field requirements for a 6FE school set out in DfE guidance.
- Despite the reduction in pupil numbers, it is not possible to utilise existing school buildings or demolish existing school buildings to accommodate the new SEND school.
- The construction of the all-weather sports pitch in 2011 has effectively severed the application site from the rest of Marlwood School playing field and it is only used infrequently for summer athletics events such as long jump and javelin throwing.
- The application site playing field is used solely by Marlwood School (not by the public or local sports clubs) and these facilities can be re-provided on main playing field with the existing formal playing pitches (all-weather pitch, 3-4 football pitches and cricket pitch) remaining and unaffected by the proposal.
- The remaining playing field is sufficient to enable the school's sports curriculum to be fulfilled and the area of land that makes up the application site is therefore surplus to requirements of the school.
- Furthermore, the loss of this parcel of playing field would not impact on the use of the wider field by external parties.
- The proposal itself would offer specialist, purpose designed, outdoor space with appropriate facilities onsite to cater for the special needs of future pupils. Such outdoor provision is unique to the SEND school and could not exist without it. The new outdoor space would contribute towards new, and help diversify, outdoor play opportunities for special needs children. The new facilities would be managed and maintained by the SEND School in perpetuity.
- Community use of facilities as set out in the Community Access Strategy. This includes intention to provide use of hydro pool facility to the community outside of school times
- Re-provision of long jump pit in main playing field for Marlwood School (without impacting on the existing sports pitches).

5.8 As the mentioned in the above, the current and long-term reduction in pupil numbers would render some of the school's playing field land surplus to requirement, with the Councils long term school strategy to allow for up to 6 forms of entry. Marlwood School playing fields currently comprises a connected area of 7.56ha that is situated at the rear of the school and a floodlight all-weather sports pitch constructed within the part of the playing field which effectively severs the application site from the rest of the playing field. It is also suggested that summer athletics event can be delivered on the main playing field without impacting on the existing sport pitched facilities. The proposal would provide specialised, purposely design outdoor spaces with appropriate facilities to cater for the special needs for the future pupil. A hydro pool facility within the new school will be available.

5.9 Paragraph 92 and 93 of the NPPF July 2021 states that planning policies and decision should aim to achieve healthy, inclusive and safe places and to provide the social,



recreational and cultural facilities and services the community needs. The NPPF also highlights that it is important that a sufficient choice of school places is available to meet the needs and new communities. Whilst the proposed SEND School would clearly result in a loss of playing field, officers are mindful that the potential resulting impact needs to be weighed against the provision of specialised education facilities for those pupils in need. Given that the majority of the playing fields surrounding the school would still be available, the proposal would create a compact form of development within the field, and the proposal would provide essential educational facilities for the pupils in need, Officers therefore consider that the proposed SEND school should be supported.

#### 5.10 Highway and Transportation

Policy CS8 of the South Gloucestershire Local Plan Core Strategy, considers the impact of development on a strategic level, encouraging new development on sustainable locations and encourages that development to consider alternative modes of transport to the private motor car. Parking and vehicle access point must be fully integrated into the development. PSP11 of the Policies, Sites and Places Plan considers in more detail the need for the provision of appropriate, safe, accessible, convenient and attractive access to be provided.

5.11 There is no transportation objection in principle to this proposal. Officers welcome the provision of a Mode Shift Stars Travel Plan, a planning condition needs to be imposed to make sure that it will be attained and maintained at least Bronze Level accreditation. In terms of the access, officers noted the applicant's response and considered the proposed access is acceptable. In relation to the issue regarding taxis manoeuvring within the entrance/exit area rather than going round the circulation route, more details of how this can be controlled and managed to avoid issues with the entrance in the morning/afternoon peaks would be required. This could be conditioned such that prior to first occupation a scheme is submitted for approval as to how the access is to be managed to avoid the potential for additional manoeuvring around the access, or alternatively submission of additional signage for drivers directing them around the circulation space would suffice, this again could be conditioned. Subject to the conditions set out above, it is considered that the proposed development is acceptable in transportation terms.

#### 5.12 Archaeology

Policy CS9 and PSP17 seek to ensure that new development conserves, and enhances heritage assets in a manner appropriate to their significance. The application is situated within an area of archaeology interested, cited only a short distance from a Bronze Age round barrow (and Scheduled Ancient Monument) that may have been part of a barrow cemetery. The archaeological desk-based assessment submitted by Bristol and Bath Heritage implies that there would be no impact to the setting of this monument based on the design of the forthcoming buildings and their location remote from the asset. Further to this, an archaeological evaluation has occurred on this site and demonstrated that quarrying has removed any potential archaeological deposits. As such, the Council Archaeology Officer is satisfied that no further archaeological works is needed and no condition needs to be applied. Therefore, no objection is raised in this regard.

- 5.10 Listed building and its setting  
Regarding the setting of listed building, the adjacent Marlwood Farm, and part of the club house of the Thornbury Golf Club are statutory listed buildings. However, there is considerable distance between the proposed new school and these listed buildings, it is therefore considered that the proposal would not have any material impact upon this heritage assets or their setting. Therefore, no objection is raised in this regard.
- 5.11 Arboricultural and Landscaping consideration  
With respect to the existing trees, the applicant has submitted an Arboricultural report which shows that several trees and groups of trees are proposed for removal. Most of the trees are young or provide low amenity and are scored as category C or U which are the lowest categories. Provided that the retained trees are protected in accordance with the submitted arboricultural report and BS:5837:2012 there is no objection from the arboricultural perspective.
- 5.12 With regard to the landscape character, the proposed site lies to the northwest of the main school building and car park area, with its north western 'NW' boundary defined by a mature hedgerow with 4 no. scattered groups of trees; from southwest to northeast, these including Category B Poplars, Oak, Beech and a mix of Category B and C Alders, varying in height between 6 metres and 14 metres. This boundary vegetation is important in terms of its screening and containment function of the existing school site in views across the landscape, especially as this lies on a ridge of higher land at between 90 metres and 95 metres AOD (average 92 metres AOD), with the level of the surrounding adjoining land falling to the N and NW. Visually Important Hillside (reference Policy CS2) lie further north, west and south west of the site
- 5.13 During the course of the application, additional information, including a section plan showing the pitched roof of the new school building would be slightly taller than the existing building, was submitted to address the officers' concerns. Regarding the NW perimeter fence location and maintenance access concerns, the applicant's agent has confirmed that this cannot be further improved due to technical consideration. The situation is still less than ideal from an external landscape and visual perspective, however the former landscape objection can be withdrawn providing that further tree planting is shown within the soft play area adjacent to gate G12. In addition, a framework LEMP has also been provided. Therefore, subject to conditions secure the implementation of tree / hedgerow protection plan, details planting plan, landscape and ecological management plan, hard landscaping plan, and soakaway / dry basin within the habitat area, there is no landscape objection.
- 5.14 Ecology  
Policy CS9 of the Core Strategy indicates that new development will be expected to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity. This requirement is set out in greater detail in PSP19 of the Policies, Sites and Places Plan indicating that where appropriate biodiversity gain will be sought from development proposals.
- 5.15 An Ecological Report (Wessex Consultancy, April 2021) has been submitted, and the Council Ecology Officer confirmed that the site is not covered by any designated sites.

Bats - The buildings proposed to be demolished were assessed for bat roosting potential. On the bungalow it states that there are gaps in the lead flashing that are very small, and the updated reports states that the gaps recorded are too small for bats to occupy. Enhancements have been recommended and this is welcomed.

Great crested newt (GCN) - The site lacks terrestrial habitat for GCN, the nearest waterbodies are over 250m from the site, though they can travel up to 500m, however the connectivity via optimal terrestrial habitat is poor.

Birds - There is suitable habitat for nesting birds on site, appropriate mitigation has been recommended alongside enhancement which is welcomed.

Reptiles - There is suitable habitat for reptiles surrounding the bungalow, and three reptile survey visits were undertaken. The report has been updated with the additional surveys.

Badgers - The report states that the north-western boundary is used by badgers and it is likely they will use the site for foraging. Mitigation has been proposed.

Hedgehog - Hedgehogs have been detailed within the report, which also included impacts to hedgehogs and appropriate mitigation which includes the creation of hedgehog holes a minimum 13cm x 13cm.

Invertebrates - The value to invertebrates is thought to be of site value as the site is small in scale and lacks connectivity to other sites of value. The proposed landscaping will provide further opportunities for invertebrates.

In summary, officers are satisfied with the submitted details. Subject to appropriate conditions to safeguard wildlife habitats and biodiversity, there is no ecological objection.

#### 5.16 Environmental Protection

Policy CS9 of the Core Strategy considering the environment states that new development will be expected to protect land, air and aqueous environments, buildings and people from pollution. PSP21 considers sets out in more detail the impacts of different forms of pollution including noise and ground contamination (the impact to and from this specific development), and the potential mitigation measures that can be taken.

Noise – The applicant submitted an acoustic report, Officers are satisfied with the submitted methodology, assessment and comprehensive analysis of the build acoustics, external effects alongside the noise criteria.

Contamination – The applicant submitted the Ground Investigation Report, dated 1st March 2021 ref 16846-HYD-XX-XX-RP-GE-1001-S2-P1.1. Appendix C of the report comprises a previously undertaken Desk Study carried out by Ruddlesden Geotechnical – Preliminary Geotechnical Investigation and Contamination Assessment Report, Marlwood School, Vattlingstone Lane, Alveston, South Gloucestershire, dated August 2019, Ref AC/GD/TN/19201/PGICAR. The reports

comprise a comprehensive desk study and ground investigation and include a conceptual model. Although some contamination was identified (lead; and at one location at depth asbestos was detected), further risk based assessment concluded that no remediation was required. Subject to a condition regarding any contamination being found during the course of construction of the development, there is no objection in this regard.

#### 5.17 Drainage

Policy CS9 of the Core Strategy and Policy EP2 of the South Gloucestershire Local Plan (Adopted) seek to ensure that any development is not adversely affected by the existing water environment or results in an impact to the surrounding area. As stated in the Core Strategy, new development has a significant role to play in managing flood risk by minimising its own surface water run-off through the use of Sustainable Drainage Systems (Suds), this provides a means of discharging surface water in ways that prevent flooding and pollution within the site (methods such as attenuation ponds and controlling flows).

- 5.18 In terms of flood risk, the site is situated in Flood Zone 1 and has no known risk of flooding from any other sources. The Drainage Engineer considered that the submitted Flood Risk Assessment is acceptable. Regarding the proposed surface water drainage strategy, the applicant submitted additional information and the revised Drainage Strategy (REVP02). Whilst some issues have been addressed, some details are still required, such as the infiltration test result in the location of Cellular Soakaway, further investigation into the extent of the deep 'Made Ground' and the detailed design of the proposed soakaway need to be submitted. It should be noted that a Grampian condition is imposed to make sure that detailed soakaway will be agreed prior to the construction works begin. Subject to the conditions securing these elements, there is no drainage objections.

#### 5.19 Design and visual amenity

Policy CS1 indicates that development will only be permitted where the highest possible standards of design are achieved, design includes siting, layout, height, detailing, scale and materials. The proposed school building will have a 'U shaped' footprint with its two wings extending away from Vattingstone Lane. Its eastern part will be single storey with both mono-pitched and flat roof sections, and its south and west parts 2 storey with a shallow pitched roof. The new building will be set back from the road frontage behind a new car park and drop-off area, with a planted central courtyard, habitat area (west corner) and various hard and soft play spaces laid out around its W, N and E sides. A ramped access will accommodate the fall in level adjacent to the NE side of the building. Elevational finishes will comprise a mix of brick, render (off-white/light grey) and timber cladding and its roof will be finished in profiled metal. Whilst the proposed building is not small in scale, it has been carefully designed in order to meet the functional requirement for the school, as well as to respect the character of the site and to achieve the net zero carbon strategy. In addition, the Council's Designing Out Crime Officer also reviewed the design including site layout of the proposal and is generally satisfied with the submitted details as most of the security and safeguarding issues have been addressed. As such, there is no objection in this regard subject to conditions.

#### 5.20 Residential Amenity

The closest neighbouring property to the proposed school would be Chelwood House, which is located to the west of the site. The submitted section plan shows that the school building with eaves height of approximately 7.6 metres would sit at the higher ground (approximately 2.1 metres above the ground level of Chelwood House). The closest part of new building to the adjacent neighbouring property would be the south western corner of building, and it would be approximately 10 metres from the nearest part of the boundary. However, given its orientation and siting, the school building would still be able to retain a reasonable distance from this neighbouring property, although it is noted that some outbuildings are being built within the private garden of Chelwood House. Given its siting and separation, it is considered that the potential overbearing or overlooking impact would not so significant to be detrimental to the living conditions of the neighbouring residents. Regarding the potential noise and disturbance caused by the traffic movement, there would be a 2.4 metres high close boarded timber fencing along the residential boundary. The primary hard play and soft play area would be located at the North eastern part of the site. As such, it is considered that the proposal would not result in an unreasonable adverse impact to warrant a refusal of this application.

#### 5.21 Public Art

Policy CS1 indicates that where the scale, location and or significance of the development proposal warrants it, embedded public art within the public realm or where it can be viewed from public areas should be provided and that this is a feature of high quality design. To address the officers' concerns, the applicant has confirmed that the schools/Trusts involved in this development have recognised the opportunity that integrating public art into the new school offers for involving and enriching the students and developing a shared culture and understanding. Officers welcome the aspirations outlined in their paper and also noted they have started to identify local artists of quality who could work comfortably with the students to deliver a meaningful outcome. In this instance, subject to a planning condition seeking the delivery of the public art programme as proposed, there is no objection in this regard.

#### 5.22 Other matters

The Sport England raised concerns regarding the potential for golf ball strikes onto the site. The applicant has confirmed that no evidence has been presented to confirm that there is a history of golf balls landing on the application site or onto Marlwood School in general. In this instance, an informative is attached with the decision notice to advise the applicant to undertake an independent risk assessment.

#### 5.23 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application it is considered to have a neutral impact on equality.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 That notify the Secretary of State due to its green belt location, the size of the proposed buildings would be more than 1,000 square metres and the receipt of objection from Sport England in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 Circular 02/2009
- 6.3. The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.”

## **7. RECOMMENDATION**

- 7.1 Subject to no objections raised by the Secretary of State, that planning permission be granted subject to the following conditions:

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the commencement of the development hereby approved, a detailed phasing plan for Enabling work, Demolition works, and Construction works, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason

In the interest of highway safety and the amenity of the neighbouring occupiers and to accord with Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017). This is a pre-commencement condition to ensure that the measures need to be in place prior to the demolition or construction works

3. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a detailed Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include the prohibition of deliveries to the site during morning and afternoon drop-off/pick up times and the times shall be specified within the document so that

contractors/delivery companies know when they are not allowed to deliver to the site. Development shall be carried out in accordance with the approved details.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017). This is a pre-commencement condition to ensure that the measures need to be in place prior to the demolition or construction works.

4. Prior to the first occupation of the development hereby approved, a detailed Travel Plan achieving a minimum of Bronze Level Stars shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

5. Within 6 (six) months following the commencement of construction work, details of Electric Vehicle Charging Points with a minimum of 7kW, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the first occupation of the development hereby approved.

Reason

To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change. Also to comply with the requirements of Policy PSP6 of the Policies Sites and Places Plan (Adopted).

6. Prior to the first occupation of the development hereby approved, details of the how taxis manoeuvring within the entrance/exit area will be managed, OR submission of details of additional signage for drivers directing them around the circulation space, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

7. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Report (Impact Assessment and method statement) by Wotton Tree Consultancy, dated 24th February 2021; and BS:5837:2012.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. Within 6 (six) months following the commencement of the construction work, a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting; supported by an implementation specification including tree pit details and use of root barriers where new trees lie near drainage routes/soakaways, and a detailed management plan for a period of 10 years, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in the first season following the completion of construction works.

Reason

To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximum the quality of green spaces within the development, and to enhance its setting within the immediate locality, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. Within 6 (six) months following the commencement of the construction work, detailed hard landscape plans showing of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer site furniture products, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximum the quality of green spaces within the development, and to enhance its setting within the immediate locality, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

10. Within 6 (six) months following the commencement of the construction work, detailed design for soakaway / dry basin within the habitat area to demonstrate how this will be sympathetically integrated into character of the green space shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason

To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximum the quality of green spaces within the development, and to enhance its setting within the immediate locality, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).



11. Within three months following the first occupation of the development hereby approved, the proposed public art plans, received by the Council on 12 August 2021, shall be fully delivered.

Reason

To promote additional, extended or enhanced community infrastructure and encourage participation in cultural activities, to accord with Policy CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

12. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Report (Wessex Consultancy, July 2021).

Reason

To prevent remedial action and to ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats and protected species, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. All proposed lighting shall be installed in accordance with the specifications and locations set out in the Lighting Strategy by Wessex Ecological Consultancy, received by the Council on 9th September 2021, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To prevent remedial action and to ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats and protected species, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development shall be carried out in accordance with the submitted Ecological Enhancement Plan by Wessex Ecological Consultant, received by the Council on 9th September 2021.

Reason

To prevent remedial action and to ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitats and protected species, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

15. Prior to the commencement of development hereby approved, infiltration test results in the location of Cellular Soakaway - CS01 and revised drainage calculations (if

required) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason

To ensure adequate drainage and prevent flooding and pollution, to comply with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the appropriate drainage strategy will be in place prior to the ground works commence and to avoid any unnecessary remedial action.

16. Prior to the commencement of development hereby approved, further investigation into the extent of the deep "Made Ground" shall be undertaken and a detailed report of the said investigation shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason

To ensure adequate drainage and prevent flooding and pollution, to comply with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the appropriate drainage strategy will be in place prior to the ground works commence and to avoid any unnecessary remedial action.

17. The development hereby approved shall not begin until the Local Planning Authority has approved in writing a full scheme of the proposed soakaway. Prior to the decommissioning of the existing drainage system for Marlwood School, detailed design of the proposed soakaway must be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the agreed details. For the avoidance of doubt we would expect to see the following details when discharging this condition:
- A clearly labelled drainage layout plan showing the drainage network and the size of the proposed soakaway and impermeable area being served.
  - Drainage calculations showing a half drain down time <24hrs with no flooding on site in 1 in 30 year storm events and no flooding of buildings or off site in 1 in 100 year plus 40% climate change storm event.
  - The drainage layout plan should show exceedance / overland flood flow routes if flooding occurs in an exceedance event.
  - The plan should also show any pipe node numbers referred to within the drainage calculations.
  - A manhole / inspection chamber schedule to include cover and invert levels.
  - Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and proposed soakaway. Please note that as the proposed soakaway is to be located beneath a car parking area, it will need to have adequate clearance and the design will need to be suitable for the additional loading. It is considered acceptable to use the infiltration test results for SA204 for designing the soakaway.

Reason: To ensure adequate drainage and prevent flooding and pollution, to comply with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the appropriate drainage strategy will be in place prior to the ground works commence and to avoid any unnecessary remedial action.

18. Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

19. The development hereby approved shall be carried out in accordance with the submitted external materials palette, drawing no FS0835-HLM-XX-ZZ-DR-A-0071 Revision P01, received by the Council on 18 August 2021.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

20. The development hereby approved shall be carried out in accordance with the following plans:

- A-0061 P03 GA Plan Ground Floor, received 17th May 2021
- A-0062 P03 GA Plan First Floor, received 17th May 2021
- A-0063 P03 GA Roof Plan, received 17th May 2021
- A-0065 P04 GA Elevations - Sheet 1, received 2nd August 2021
- A-0066 P04 GA Elevations - Sheet 2, received 2nd August 2021
- A-0067 P03 Visual - Aerial - Sheet 1, received 2nd August 2021
- A-0068 P03 Visual - Front Entrance - Sheet 2, received 2nd August 2021
- A-0069 P03 Site Location Plan, received 17th May 2021
- A-0070 P01 Existing Building Elevation Photographs, received 19th May 2021
- A-0071 P01 External Materials Palette, received 18th August 2021
- L-0080 P06 Landscape Masterplan, received 9th September 2021
- L-0081 P05 Site Sections, received 28th September 2021
- L-0082 P04 Existing Site Plan, received 9th August 2021
- L-0083 P04 BB104 Areas, received 9th September 2021

- L-0084 P04 Site Access and Circulation, received 9th September 2021
- L-0085 P04 Security Zoning Plan, received 9th September 2021
- L-0086 P03 Demolition Plan, received 9th August 2021
- L-0087 P04 Fencing Plan, received 9th September 2021
- L-0088 P05 Hard Landscape Strategy, received 9th September 2021
- L-0089 P04 External Signage Details, received 9th September 2021
- L-0090 P06 Soft Landscape Strategy, received 9th September 2021
- E-8500 P07 Proposed Lighting Strategy, received 9th September 2021
- E-8501 Rev P05 External Lighting Lux Plan, received 9th September 2021
- C-7000 P03 Drainage Strategy, received 9th September 2021
- C-7020 P01 Marlwood School Soakaway, received 13th August 2021
- FS0835-HYD-XX-XX-RP-Z-6001 Travel Plan, received 19th May 2021
- Lighting Strategy Report, received 9th September 2021
- D-1602 Rev P01 Retaining Wall Details, received 10th September 2021
- C-7600 Rev P01 External Works Marlwood School, received 23rd August 2021
- C-7601 Rev P01 External Details Marlwood School, received 23rd August 2021
- LEMP Outline of Contents Rev A, received 9th September 2021
- Public Art Strategy, received 12th August 2021
- Construction Environmental Management Plan, received 12th August 2021
- Community Access Strategy, received 22nd June 2021

Reason

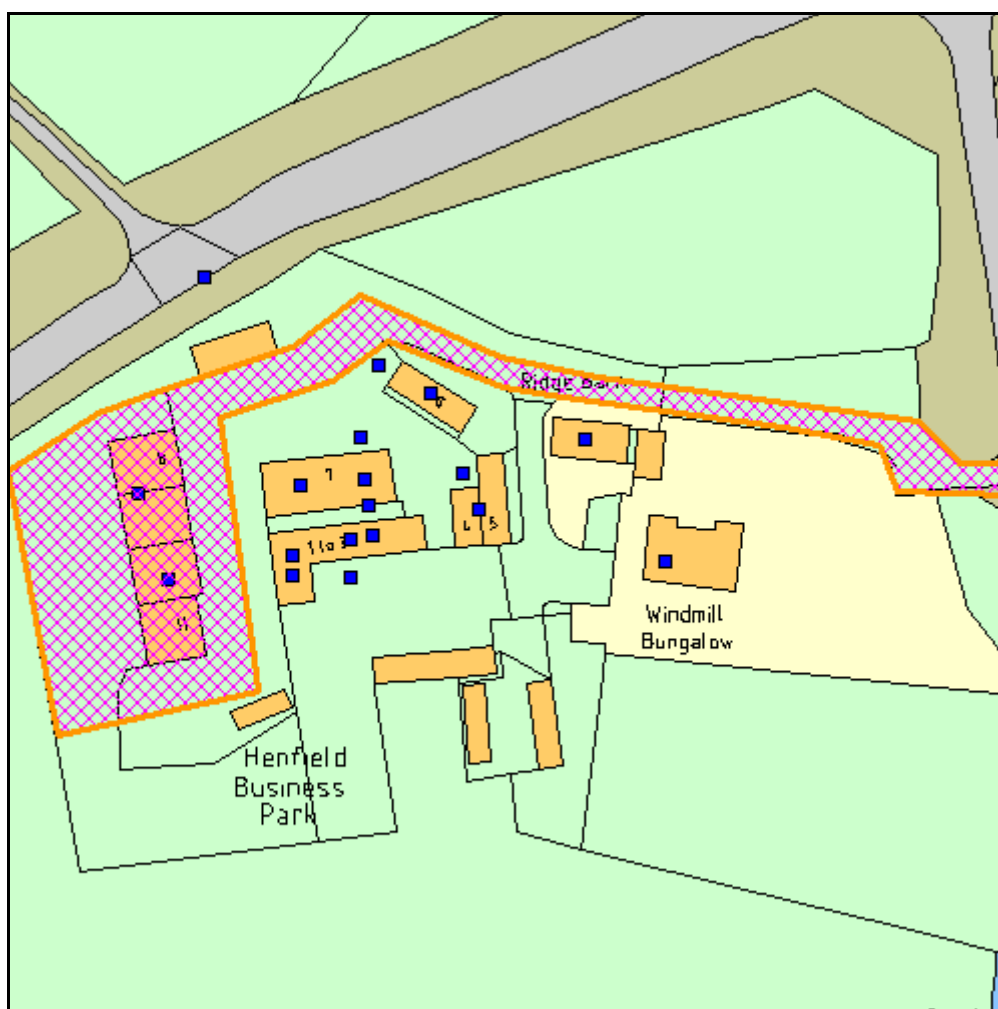
To define the terms and extent of the permission.

**Case Officer: Olivia Tresise**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/03748/O	<b>Applicant:</b>	Kate Bartley Diverse Construction Ltd
<b>Site:</b>	Henfield Business Park Westerleigh Road Coalpit Heath South Gloucestershire BS36 2UP	<b>Date Reg:</b>	28th May 2021
<b>Proposal:</b>	Demolition of 2no. single storey buildings. Erection of three storey building comprising of 15no. office units (Class E) (Outline) with access, layout and scale to be determined, all other matters reserved.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367934 178888	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	20th August 2021



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P21/03748/O

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

### **Reason for Referring to the Circulated Schedule**

This application represents inappropriate development within the Green Belt that requires very Special Circumstances and due to the scale of the building proposed i.e. greater than 1000sq.m. GFA, meets the criteria for referral to the Secretary of State.

## **1. THE PROPOSAL**

- 1.1 The application site is part of the Henfield Business Park, which lies to the South of Westerleigh Road and is accessed from Henfield Road, to the East. The wider site comprises 6 single-storey former agricultural buildings, converted to B1, B2 and B8 uses under planning permission P97/2201.
- 1.2 A residential dwelling (Windmill Bungalow) adjoins the wider site to the East, and the Windmill Golf Club (planning permission PK16/5514/F, currently under construction) encloses the site to the South and West. The site lies outside of any settlement boundary, within the open countryside and within the Bristol & Bath Green Belt. The East of Bristol Urban Fringe commences immediately to the South of the M4, approximately 600 metres from the site, including the Emersons Green Science Park Enterprise Area.
- 1.3 The site is not within a Conservation Area and there are no Listed Buildings on site, and no Tree Preservation Orders apply. The site falls within Flood Zone 1 and is at very low risk from surface water flooding. No other policy designations apply.
- 1.4 The application site (0.25ha) itself, comprises units 8-11, unit 12 and a storage unit, all formerly B1(c) light industrial and now Class E under the amended Use Class Order, with associated parking. Units 8-11 are within a single-storey building towards the western boundary of the site, with Unit 12 a separate unit to the rear of Units 8-11. The storage unit lies to the rear of Unit 12.
- 1.5 Henfield Road is a designated Active Travel Route, and part of the Avon Cycleway (National Route 410), an 85-mile circular route around Bristol. There are bus stops on Henfield Road 200 metres to the north, with the No.86 service operating every two hours between Yate and Kingswood.
- 1.6 A Public Right of Way (LWE/69) runs through the site, connecting Cook's Lane to the North with fields to the East of Henfield Road (LWE/68 and LPU/6) and footpaths through to Lyde Green.
- 1.7 Outline consent is sought with matters of scale, layout and access to be determined at this stage, with appearance and landscaping reserved. The proposal is to demolish the existing buildings, remove the storage unit, and erect a three-storey building in its place, comprising 5no. Class E office units per floor.

- 1.8 The indicative elevations show an agricultural-style building, with brick to the ground floor and profiled sheet cladding to the upper floors. Roller shutter doors are shown to the ground floor units.
- 1.9 The application is supported by the following documents:
- Planning, Design and Access Statement
  - Transport Statement
  - Drainage Strategy
  - Preliminary Bat Roost Assessment
  - Energy Statement
  - Very Special Circumstances Statement

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4 Renewable and Low Carbon District Heat Networks  
CS4a Presumption in favour of sustainable development  
CS5 Location of Development (inc. Green Belt)  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS11 Distribution of Economic Development Land  
CS13 Non-Safeguarded economic development sites  
CS14 Town Centres and Retail  
CS34 Rural Areas

#### South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP6 Onsite Renewable and Low Carbon Energy  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP28 Rural Economy

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2021  
Development in the Green Belt SPD (Adopted) 2007  
South Gloucestershire Council Waste Collection: guidance for new  
developments SPD (Adopted) Jan 2015  
South Gloucestershire Landscape Character Assessment SPD (Revised  
and Proposed for Adoption November 2014) - Site lies within LCA 12:  
Westerleigh vale and Oldland Ridge  
Green Infrastructure: Guidance for New Development SPD (Adopted) April  
2021  
Trees and Development Sites: Guidance for New Development SPD (Adopted)  
April 2021

In terms of local plan policy, South Gloucestershire Council can demonstrate that it currently has a 5.25 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development should be approved (see NPPF para 11).

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P97/2201 - Change of use of agricultural buildings to Class B1, B2 and B8.  
Approved 18<sup>th</sup> June 1998  
*This permission granted unfettered B1/B2/B8 use.*
- 3.2 PT08/0859/F - Demolition of 3 no. portacabins and two industrial units.  
Erection of 2 no. additional units.  
Approved 28<sup>th</sup> July 2008  
*The application site (Block A) was approved under planning permission PT08/0859/F, for the demolition of portacabins and the erection of 2no. additional units (Block A/Units 8-11, and Block B, shown as unit 7 on the site plan).*
- 3.3 PT14/3750/F - Change of use from Office (Class B1) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 4<sup>th</sup> Dec. 2014  
*Planning permission was granted for the change of use of units 4 and 5 to residential (PT14/3750/F), though this has not been implemented and is no longer extant.*

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
WPC has no objection to this application but would like to see the provision of 26 covered parking spaces covered by a condition to ensure it is included in the build



## 4.2 Other Consultees

### Transportation D.M.

No objection subject to conditions to secure the proposed access improvements and the provision of EVCP's and cycle parking, details of shower & changing facilities and a Travel Plan.

### Wessex Water

No response

### Avon Fire and Rescue

No response

### Police Crime Prevention by Design Officer

Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

### Economic Development Officer

No response

### Arts and Development

No response

### Lead Local Flood Authority

No objection

### Environmental Policy and Climate Change Team

No response

### Housing Enabling

No response

### NHS

No response

### Strategic Environment and Climate Change Team

An energy statement should be provided.

*Such a Statement was subsequently provided.*

### Landscape Officer

No objection in principle subject to conditions to secure the following at Reserved Matters stage:

- AIA and tree/hedgerow protection plan to BS5837:2012.
- Detailed planting/landscape mitigation plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).
- Details of all proposed boundary and hard landscape surface treatments, including

proposed levels and any soil retention/retaining walls that may be required.  
• Details of proposed new lighting.

#### Ecology Officer

No objections subject to conditions to secure the following:

1. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment (Quantock, July 2021) (PSP19);
2. Prior to commencement of works details of lighting are to be submitted to the local authority for review, this is to include specification and location of lighting (PSP19).
3. Prior to commencement of works a plan showing the location and specification of the ecological enhancements are to be submitted to the local authority these include but not limited to bat boxes (PSP19).

#### Avon Wildlife Trust

No response

#### Public Health and Wellbeing

No response

#### Urban Design Officer

No response

#### PROW Officer

No objection subject to the Westerleigh Road entrance to the footpath cleared and maintained with the stile replaced with a kissing gate to add enhancement to the PROW network

#### Open Spaces Society

No response

#### Listed Buildings & Conservation Officer

From a review of the HER, the development proposed would not appear to impact on any above ground heritage assets either physically or through change/ potential loss of setting. There are therefore no heritage objections.

### **Other Representations**

- 4.3 Local Residents  
No responses.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site has an existing authorised B1 (now E) use, and is currently used as light industrial (B1(c)). Across the business park, there are a mixture of B1, B2 and B8 uses, as per the 1998 consent. A Class E (former B1(a) office use)

- would therefore fall within the current lawful mix of uses within the business park.
- 5.2 Offices are defined in the NPPF Glossary of Terms as a Main Town Centre Use. Policy CS14 states that, for town centre uses outside of the town centres with floorspace in excess of 1,000sqm, an impact assessment will be required, however, policy PSP31 excludes office accommodation (below 10,000sqm) from this requirement (see 8a).
- 5.3 NPPF para. 84a supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.4 The site lies in an out-of-centre location but NPPF para.85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Whilst these matters are discussed in more detail below, officers are satisfied that the scheme does generally meet these criteria.
- 5.5 The proposed development would provide office space to support the rural economy and be of particular benefit to start-up and small companies on what is an established Business Park.

### **Green Belt Issues**

- 5.6 The site lies within the Bristol/Bath Green Belt. The main issues to consider are therefore:
- Whether the proposed development would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies.
  - The effect of the proposed development on the character and appearance of the area.
  - If the proposed development is inappropriate development within the Green Belt, whether that harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### **Inappropriate development**

- 5.7 The NPPF at para. 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes that the Green Belt serves are listed at para. 138 and these include at sub para. c)

“to assist in safeguarding the countryside from encroachment”.

- 5.8 Para. 147 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.9 Para. 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include the following:
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 5.10 Policy CS34 of the South Gloucestershire Core Strategy 2006-2027 (CS) relating to development in rural areas indicates, amongst other things, that the designated Green Belt will be protected. CS Policy CS5 indicates that within the Green Belt, small-scale development may be permitted within the settlement boundaries of villages shown on the Policies Map.
- 5.11 Policy PSP7 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (2017) sets out that “inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm”. Both Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP are therefore consistent with the Framework in their approach to development within the Green Belt.
- 5.12 The application site lies within the open countryside, outside any development boundaries. It does however benefit from an extant planning permission for B1(a) (offices) use and forms part of a wider business park; as such the site is previously developed land.
- 5.13 It is proposed to demolish the existing buildings, remove the storage unit, and erect a three-storey building in its place, comprising 5no. Class E office units per floor (62sqm each, 930sqm in total) and a total floorspace (including stairwells etc) of 1154sqm. The building would have a footprint of 419sqm, compared with the existing 494sqm (391.5sqm for Units 8-11, 55.5sqm for Unit 12, and 47sqm for the storage unit), with a ridge height of 10.53m, and eaves at 8.06m above ground level.
- 5.14 With regards to paragraph 149d, the proposed building would have a similar footprint (419.5sqm) to the existing Units 8-11 building Henfield Business Park (391.5sqm), and a lesser footprint than the three buildings to be demolished in total (494sqm).
- 5.15 In terms of volume, Units 8-11 measure 1,856.5m<sup>3</sup>, Unit 12 measures 218m<sup>3</sup>, and the storage unit 131.5m<sup>3</sup>, giving a combined volume of 2,206m<sup>3</sup>. The replacement building would have a volume of 3,850m<sup>3</sup>, an increase of approximately **75%**.

- 5.16 In terms of height, the building would have a ridge height of 10.53m, and eaves at 8.06m above ground level, against an existing situation of 6.15m to the ridge of units 8 and 9, 7.35m to unit 10, and 4.5m to units 11 and 12.
- 5.17 Case law *E (on the application of Heath and Hampstead Society) v Camden LBC [2007] EWHC 977 (Admin)* has established that which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement buildings will depend on the circumstances of the particular case, and may be floor space, footprint, built volume, height or width.
- 5.18 Neither Policy CS5 nor PSP7 provide guidance on what constitutes a 'materially larger' replacement building, it is a matter for the decision maker to decide. In this instance, whilst the replacement building would have a similar footprint to the building it would replace, the overall volume would significantly increase; there would also be an increase in height. On balance therefore officers are satisfied that the proposed building would be materially larger than the one it would replace and as such, the proposal would represent inappropriate development in the Green Belt.

#### Impact on Character and Appearance

- 5.19 The site lies within the open countryside adjacent to the Henfield Cross Roads and Westerleigh Road. It is not particularly isolated as The East of Bristol Urban Fringe commences immediately to the South of the M4, approximately 600 metres from the site, including the Emersons Green Science Park Enterprise Area. Residential properties lie nearby along Henfield Rd.
- 5.20 The existing Henfield Business Park is well contained within what would have been the original complex of farm buildings and is generally well screened by existing vegetation. The converted buildings reflect their agricultural origins in appearance, as does the adjacent residential barn conversion (Windmill Bungalow). The proposed development would not encroach laterally beyond the existing confines of the Business Park.
- 5.21 The existing buildings to be demolished are utilitarian in appearance and do not exhibit any historic fabric or architectural features of note. At this stage, whilst the scale of the proposed building is to be determined, the appearance of the proposed office block is a reserved matter, however section/elevation plans have been submitted to demonstrate that an agricultural-style building, with brick to the ground floor and profiled sheet cladding to the upper floor and profiled roof, could be designed to accommodate the proposed offices, which would be in keeping with the remainder of the Business Park, and the rural character of the surrounding area.
- 5.22 The existing building is currently occupied by a garage/car refurbishment business and at the time of the officer site visit, extensive areas around the building were utilised for car parking/storage purposes. The proposal includes extensive parking areas around the office block, which would merely replicate what already occurs on the site.

- 5.23 The ridge of the proposed building would be 3 metres higher than the existing units but it is noted that a 3-storey block of flats could be built on this site under PD Rights (see very special circumstances section below).
- 5.24 The site is generally only visible from short-range views, particularly as Westerleigh Road drops away to the West, and the site is to the East of the brow, and the land similarly drops away to the North, along Cook's Lane. Field boundaries generally preclude mid-range and beyond views from the South and East.
- 5.25 Officers are therefore satisfied that any harm to the character and appearance of the area would not be significant.

#### Landscape Issues

- 5.26 The existing business park lies to the South of the Westerleigh Road and is accessed from Henfield Road that lies to its East. The site lies within open countryside within the Green Belt. A residential dwelling (Windmill Bungalow) adjoins the wider site to the East, and the Windmill Golf Club (PK16/5514/F) is currently under construction to the South and West of the site.
- 5.27 Units 8-12 together with a storage unit (buildings to be demolished) lie within the NW corner of the business park, opposite the junction of Westerleigh Road and Cook's Lane. The wider site comprises 6 single- storey former agricultural buildings, converted to B1, B2 and B8 uses under planning permission P97/2201.
- 5.28 A belt of variable screen planting including trees extends along the northern edge of the site and associated access route. Hedgerows with intermittent tree planting also extend along the western and southern boundaries of the business park.
- 5.29 Matters of landscaping are at this stage a reserved matter. The Planning Statement confirms however that no trees are proposed for felling. Detailed landscape design and mitigation proposals would be required to support any reserve matters application, and demonstrate how the existing perimeter screening would be reinforced and complemented to integrate the proposals into their surroundings. Also, there is the opportunity to introduce some tree planting within the proposed car park area.
- 5.30 The Council's Landscape Architect has noted that the taller new building would be more visible than the existing units to be demolished in local views from Cook's Lane, Westerleigh Road and Henfield Road, but would be mostly seen in the context of the wider business Park development. Any new lighting sources within the site would need to be carefully designed to avoid unacceptable night-time visual impacts. The Council's Landscape Architect concluded that the proposals would have a "discernible, but not substantial, visual impact on the openness of the Green Belt."
- 5.31 Subject to conditions to secure the following at reserved matters stage there are no landscape objections:

- AIA and tree/hedgerow protection plan to BS5837:2012.
- Detailed planting/landscape mitigation plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).
- Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.
- Details of proposed new lighting.

### **Transportation Issues**

- 5.32 The application is supported by a Transport Statement. The existing GFA to be demolished is 494m.sq. and the proposed GFA is 1258m.sq., this is an increase of 764m.sq.; 29 additional car parking spaces are proposed. The existing number of staff employed at the buildings is indicated on the Application form as 10. The proposed development would accommodate 45 staff.
- 5.33 According to the TRICS database the existing buildings if all converted to offices could generate around 40 two-way vehicle movements per day and the proposed development could generate around 101 two-way vehicle movements per day. Given that the site is in the open countryside, outside of the settlement boundary and does not benefit from suitable walking routes to the nearest bus stops or residential areas, which are also beyond the appropriate distances set out in policy PSP11; the vehicle trip rates are likely to be higher. The proposed 3-storey office block therefore represents a significant increase in the office use and vehicle movements associated with the site.

### **Accessibility**

- 5.34 Policy PSP11 states that commercial developments should be located on safe, usable walking routes that are an appropriate walking distance to a suitable bus stop facility, served by appropriate public transport services linking to major settlement areas. Policy CS8 states that developments which are car dependent or promote unsustainable travel, will not be supported.
- 5.35 The nearest bus stop is outside of no.218 Henfield Road which is about 520m walking distance from the proposed building. The appropriate distance in policy PSP11 is 400m. The quality of the walking route and bus stop facilities is poor. There are no footways on Henfield Road South of Westerleigh Road other than at the junction itself and two sections of footway are missing on Henfield Road North of Westerleigh Road. There is no shelter or raised boarding platform at the Henfield Road bus stop and street lighting is limited to the Westerleigh Road / Henfield Road cross roads only. The bus service provides the minimum frequency set out in policy PSP11 and links to Emersons Green, Lyde Green and Yate which are major residential areas.
- 5.36 Although the site is within 2Km walking distance of the Lyde Green development there are no footways or street lighting on the route. Henfield Road is an Active Travel Route, which is suitable for confident cyclists accessing from Lyde Green, however this by itself without improvements to access by public transport would not adequately promote sustainable travel.

- 5.37 To comply with policies PSP11 and CS8 it is proposed that a 1.5 metre wide footway, some 60 metres in length be provided between the proposed site access and the Westerleigh Road crossroads. This is indicated to have a regular system of street lighting. As the new footway would lie within the highway verge, the new footway could be secured by condition.

#### Impact on Surrounding Highway Network

- 5.38 The am and pm peak two-way vehicle movements are likely to be in the order of 10 – 11 or just over given the location, for each of the busiest hours. This level of traffic could safely be accommodated on the surrounding highway network.

#### Access and Layout

- 5.39 The site vehicle access onto Henfield Road is provided with sufficient visibility splays. It is now proposed to widen the site access to 8m with 6m metre kerbed radii. The 11.5 rigid truck swept path analysis at the site access is now acceptable. Visibility splays of 2.4 metres by 150 metres can still be achieved to the South which are appropriate for the 40mph speed restriction along Henfield Road, and visibility splays of 2.4 metres by 66 metres can be achieved to the junction between Henfield Road and Westerleigh Road to the North

#### Parking

- 5.40 The proposed 29 spaces is acceptable given that the vast majority of people are likely to drive to the site. In line with emerging policy, 20% (6) of the new parking spaces would be provided with 7Kw 32 Amp electric vehicle charging points with the remainder provided with ducting for future connection, this is now shown on the revised site plan. The proposed provision of 28 covered cycle parking spaces is consistent with the Council's PSP16 policy. Two disabled parking bays (one with an electric vehicle charging point are also now shown on the revised Site Plan.

#### Travel Plan

- 5.41 Given the remote location of the development a staff Travel Plan would need to be secured by a suitable condition. The Travel Plan should include but not necessarily be limited to the following information:

- Measures to promote and encourage sustainable travel such as walking, cycling, public transport, car share and use of electric vehicles.
- Incentives such as salary sacrifice to pay for cycles or bus tickets.
- Management and monitoring annually by a named Travel Plan Coordinator.

#### Conclusions on Transportation Issues

- 5.42 The revised car park layout provides sufficient car and cycle spaces in accordance with SGC policy PSP16; 6 of the car spaces are to be provided with electric vehicle charging points (EVCP's) and the remainder provided with ducting for future connection. The revised access arrangements include a widened vehicle access and a pedestrian path from the site to the existing foot / cycle path on Westerleigh Road and the footpath on Henfield Road leading to



the nearest bus stop. Given the location of the development and the existing uses at the Business Park, the proposed access improvements and the provision of EVCP's and cycle parking, all secured by suitable conditions, will provide a development which is not inconsistent with SGC policy PSP11. A condition can also secure details of shower and changing facilities.

5.43 Subject to the above, there are no Transportation objections.

#### Ecology

5.44 The site is not covered by any designated sites. A Preliminary Bat Roost Assessment (Quantock, July 2021) has been submitted. The assessment recorded no bat roosting features or signs of bats, therefore no further bat surveys are required. There is potential for bat foraging around the boundaries of the site and therefore a sensitive lighting scheme is required; this can be secured by condition. No historic evidence of nesting birds was recorded

5.45 Subject to conditions to secure the Mitigation Measures provided in the Preliminary Bat Roost Assessment, details of lighting and a specification for ecological enhancements, there are no objections on ecological grounds.

#### PROW

5.46 This application may affect public footpath LWE69 which runs adjacent to the site and partially shares the access. Officers wish to ensure the safety of the public using the footpath where there may be a conflict with vehicular traffic, as there is likely to be an increase in vehicles following the proposed development.

5.47 The applicant has now agreed that the Westerleigh Rd. entrance to the footpath will be cleared and maintained, with the stile replaced with a kissing gate to add enhancement to the PROW network, as this link across the site is valuable as a safer route between Cook's Lane and Henfield Road than walking along the Westerleigh Road. This is now shown on the submitted plans and can be secured by condition.

#### Environmental Issues

4.48 The site has not been undermined for coal in the past. Foul sewage would be discharged to an existing cesspit on the site. Surface water would be discharged to a nearby pond in the applicant's ownership via an attenuation tank in the car park; there are therefore no drainage objections to the proposal.

#### Sustainability

4.49 Although the final design and appearance of the building would be the subject of reserved matters, the applicant has submitted an Energy Statement that will inform the final design and this can be secured by condition.

#### 4.49 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and

victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.50 With regards to the above this planning application is considered to have a neutral impact on equality.

### **Very Special Circumstances**

- 5.51 It has been established above that the proposed development represents inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, in addition to the Green Belt harm, there would be some additional harm to the character and appearance of this rural location; the level of harm however would not be substantial.
- 5.52 The onus therefore falls on the applicant to demonstrate that 'very special circumstances' exist that overcome the harm by reason of inappropriateness and any other harm.

### **Applicant's Justification**

A Very Special Circumstances Statement has been submitted in support of the application that states the following:

There is no set or clear guidance in terms of what can be considered as VSC and each case needs to be assessed on its own merits. It is not the case that there needs to be one single factor which amounts to there being a very special circumstance; it can be a number of factors considered in combination. The case needs to be put forward to demonstrate that these factors outweigh the harm. There is case law that says that a number of factors, none of them "very special" when considered in isolation, when combined together amount to very special circumstances and goes on to say that "there is no reason why a number or factors ordinary in themselves cannot combine to create something very special". This should be a qualitative rather than a quantitative assessment where the decision maker has a wide degree of latitude.

Factors to consider to make the case for VSC

- The site is previously developed land and has existing commercial uses across the site.
- Class ZA permits the demolition of a single detached building in a B1 use (no more than 1,000sqm in footprint, with a maximum height of 18 metres and constructed prior to 1<sup>st</sup> January 1990), and its replacement with either a single purpose-built block of new flats, or new house, with up to 2 additional storeys for the new structure in the airspace. The replacement building could therefore be three-storeys, and a maximum height of 18 metres, or 7 metres above the

existing building (whichever is the lower), and as a result could be larger than the proposed building. This genuine fall-back position is a material consideration in terms of VSC, as established by case law (1), and in a number of planning appeals (examples appended to this statement, with relevant paragraphs highlighted)

- The existing buildings have reached the end of their useful life and are visually unattractive.
- Whilst the proposed buildings are taller than those they would replace, they would be seen within the context of the wider Business Park, and would have a discernible, but not substantial, visual impact on the openness of the Green Belt, as confirmed by the Council's Landscape Officer.
- The proposed development would provide office space to support the rural economy and be of particular benefit to start-up and small companies, in addition to providing construction jobs in the short-term. The office space would also assist in reducing in-commuting to the urban centres, thereby providing a sustainability benefit.
- The proposals do not conflict with the five purposes of Green Belt land as set out in paragraph 138 of the NPPF.
- The proposals allow the opportunity for the Council to restrict Class ZA PD rights for the replacement building. This would also enable the Council to secure an Affordable Housing contribution should the building be converted to residential at a future date.

*1 Athlone House Ltd v Secretary of State for Communities and Local Government [2015] EWHC 3524 (Admin) (22 October 2015) (bailii.org)). Para 42: "In the course of argument, the hypothetical case of a material fall-back (as opposed to the 2005 Lincoln Campbell scheme which the Inspector accepted would never be constructed), was aired as being a potential complication to the use of the physical development as it stands as the appropriate baseline. Would such a material fall-back count? Whilst it does not arise in this case, I accept the submission that was made on behalf of the first defendant by Mr Honey that it would not affect the baseline which was the basis of comparison set out in paragraph 89. Paragraph 89, as I have already observed, is clear; an unbuilt permitted development which a developer may be keen to implement could not, on the basis of the interpretation of the plain words of the policy, be included in such an assessment. That is not to say that such a material fall-back would be irrelevant. It would probably be relevant at the stage of considering the question of very special circumstances, taking account of the weight to be attached to it bearing in mind the likelihood of its implementation and the extent of its impact on openness if it were developed."*

#### Green Belt Balance

- 5.53 Having considered the submitted very special circumstances listed above, officers consider that the key circumstance is the fall-back situation whereby under Part 20 Class ZA of the GPDO a 3-storey block of flats could replace the existing single-storey building.
- 5.54 The applicant has submitted copies of appeal decisions to demonstrate that similar fall-back situations have been previously accepted as VSC, especially where what is proposed would be preferable, in terms of impact on the Green Belt, to that allowed under PD Rights. The reader is advised to study the case

law submitted (as appended to the VSC Statement) which is available to read on the public website.

- 5.55 It is also noted that Class ZA permits replacement dwellings, and not new B1/E office space, however, given the location and the fact that the site is an existing business park, it is considered that office accommodation to support the rural economy would be preferable to residential accommodation outside of any settlement boundary.
- 5.56 The Courts have held that the first stage to approaching fall-back is to determine whether or not the way in which the land may be developed is a matter which amounts to a material consideration. A fall-back, which can comprise development that could take place under, for example, permitted development rights, does not have to be probable, or even have a high chance of occurring. Rather, in order to be a material consideration, there only has to be more than a theoretical possibility that the development might take place. Once the matter of whether or not it is material to the decision has been concluded, the question then arises as to what weight it should be afforded. Allied to that will be a consideration of the scale of the harm that would arise.
- 5.57 In this case the applicant has stated that in the event of this current application being refused, the fall-back situation **would** be implemented. If that were the case a 3-storey block of flats with a maximum height of 18 metres, or 7 metres above the existing building (whichever is the lower), would be built on the same footprint as the existing building. This would have a greater adverse impact on the openness of the Green Belt than the office building as proposed.
- 5.58 Furthermore, the replacement office building proposed, if built, would not benefit from the same PD rights as Class ZA only applies to buildings built before 1<sup>st</sup> January 1990. In this context, the fall-back position of the exercising of Class ZA PD rights, the opportunity to restrict future residential development on the site as Class ZA would not apply, and the benefits to the rural economy are considered cumulatively to constitute the Very Special Circumstances required.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application be APPROVED subject to the conditions listed on the decision notice.

7.2 Authority is delegated to the Head of Environment and Community Services to refer the resolution to grant planning permission to the Secretary of State for Communities and Local Government.

7.3 Provided that the Secretary of State for Communities and Local Government does not recover the application for consideration, that Authority is delegated to the Head of Environment and Community Services to grant planning permission in accordance with the recommendation.

## CONDITIONS

1. Approval of the details of the external appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the external appearance of the building to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

### Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. The office building hereby approved, shall not be occupied until the respective car (including 6 x minimum 7 Kw 32 Amp electric vehicle chargers) and cycle parking facilities (to be Sheffield type stands) have been provided in accordance with the submitted details shown on the Proposed Site Plan Drawing No. 20.050-11 Rev C and retained as such thereafter.

Reason:

In the interest of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) November 2017.

6. The reserved matters application shall include details of shower and changing facilities for each business unit too be implemented before the first occupation of the building hereby approved and maintained as such thereafter.

Reason

To promote sustainable travel and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

7. The development hereby approved shall not be brought into use until the improved access details have been provided in accordance with approved Proposed Site Access Arrangement Drawing No. 2138 03 Rev B, including widening of the access, the footway link, drainage, street lighting and road markings, and maintained as such thereafter.

Reason:

In the interest of highway safety and accessibility and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, and Policy PSP11 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) November 2017.

8. The development hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Pan shall include but not necessarily be limited to the following information:

Measures to promote and encourage sustainable travel such as walking, cycling, public transport, car sharing and electric vehicles.

Incentives such as salary sacrifice to pay for cycles or bus tickets.

A timetable of implementation.

Management and monitoring annually by a named Travel Plan Coordinator.

The approved travel Plan shall thereafter be implemented in accordance with the details therein.

Reason

To promote sustainable travel and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP11 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017.

9. The following will be required to be submitted as a condition of planning and/or to support a reserve matters application:
  - AIA and tree/hedgerow protection plan to BS5837:2012.

- Detailed planting/landscape mitigation plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).
- Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.
- Details of proposed new lighting.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment by Quantock dated July 2021.

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

11. Prior to the first occupation of the building hereby approved, details of lighting shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter, all external lighting shall be installed (before first occupation) in accordance with the specifications and locations set out in the details so approved, and maintained as such thereafter.

Reason

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

12. Prior to the first occupation of the development hereby approved, an Ecological Enhancement and Mitigation Plan is to be submitted to and approved in writing by, the local planning authority. Thereafter the details so approved shall be implemented in accordance with the timeframes approved.

These shall include but not limited to, bat boxes.

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

13. The hours of working on site during the period of demolition and construction shall be restricted to 07:30 to 18.00 Monday to Friday and 08:00 to 13:00 on Saturdays with no working permitted on Sundays or Bank or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

14. Prior to the first occupation of the building hereby approved, the Westerleigh Rd. entrance to footpath LWE69 shall be cleared and maintained as such, with the existing stile replaced with a kissing gate in accordance with approved Proposed Block Plan Drawing No. 20.050-01 Rev A.

Reason

To add enhancement to the PROW network, as this link across the site is valuable as a safer route between Cook's Lane and Henfield Road than walking long the Westerleigh Road and to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP11 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017.

15. The final design of the building (submitted as a reserved matter) hereby approved, shall be informed by, but not limited to, the details contained within the submitted Energy Statement by Complete Energy Consultancy dated 24th Sept. 2021.

Reason

In the interests of sustainability in accordance with Policies CS1, CS3 and CS4 of The South Gloucestershire Local Plan Core Strategy (Adopted) and Policy PSP6 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

16. The development shall be pursued in accordance with the following plans and reports:

Location Plan Drawing No. 20.050-001 received 24th May 2021

Existing Block Plan drawing No. 20.050-002 Rev A received 8th July 2021

Existing Site Plan Drawing No. 20.050-003 received 24th May 2021

Existing Site Sections Drawing No. 20.050-004 received 24th May 2021

Proposed Block Plan Drawing No. 20.050-010 Rev A received 8th July 2021

Proposed Site Plan Drawing No. 20.050-011 Rev C received 06th Aug 2021

Proposed Floor Plans Drawing No. 20.050-012 received 24th May 2021

Proposed Sections/Elevations (Appearance Indicative) Drawing No. 20.050-013 received 24th May 2021

Proposed Site Plan Drawing No. 20.050-110 Rev A received 17th June 2021

Proposed Site Access Arrangement Drawing No. 2138 03 Rev B received 3rd Aug 2021



Energy Statement by Complete Energy Consultancy received 28th Sep. 2021  
Transport Statement (TS01) by Highgate Transportation Dated May 2021

Reason:

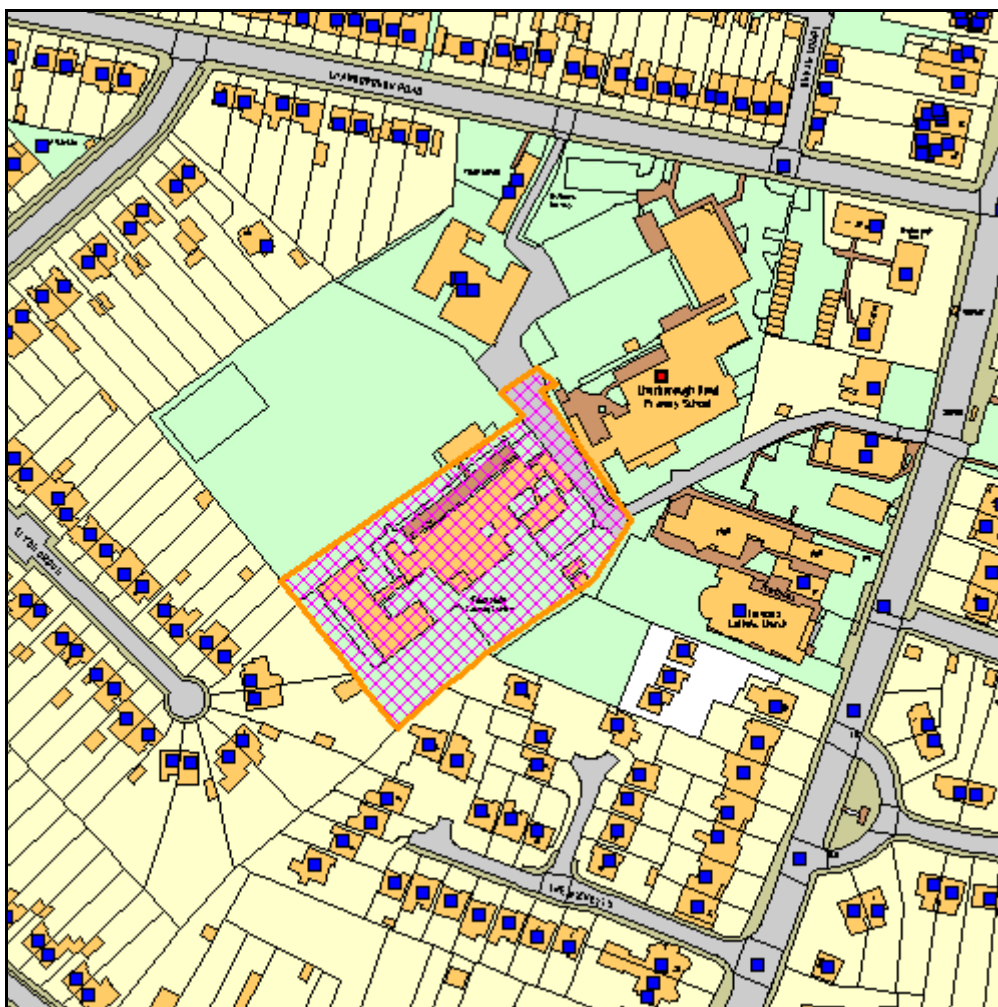
In the interests of clarity and to prevent the need for remedial action.

**Case Officer: Roger Hemming**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/04086/R3F	<b>Applicant:</b>	South Gloucestershire Council Property ServicesGLDM
<b>Site:</b>	Charborough Road Primary School Charborough Road Filton South Gloucestershire BS34 7RA	<b>Date Reg:</b>	9th June 2021
<b>Proposal:</b>	Creation of external sports facility including installation of multi use games area (MUGA), recreation areas and landscaping.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359939 178649	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd August 2021



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N.T.S.

P21/04086/R3F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation, and as it is a development proposed by the Council.

### **1. THE PROPOSAL**

- 1.1 The application is for the creation of external sports facility including installation of multi use games area (MUGA), recreation areas and landscaping.
- 1.2 The application site Charborough Road Primary School, Charborough Road, Filton.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS8	Access/Transport

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP19	Wider Bio-diversity
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Various additions to the existing school

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No comments were received directly from the Parish Council, however a Parish Councillor responded as follows:  
*'I am glad to see the school will be provided with an additional playing area. I*

*would have expected the land gifted to the school to provide more room for informal play would have included the whole former site of Filton Park School, thus allowing the school to hold sports days and the like within their own grounds and not having to escort large numbers young children across busy main roads, bearing in mind this situation will only get worse when the airfield is developed.*

*In addition, please note in Feb 2018 under the South Glos Local Plan Filton Town Council requested this land was designated local green space. I feel there needs to be consideration for the community in providing some of this land as community green space.'*

#### Sustainable Transportation Officer

Whilst I have no objection in principle to the provision of the MUGA associated with the school, within the Design and Method statement submitted there is mention of use for community use to which I have concerns relating to access, car and cycle parking provision which does not appear to be indicated on the initial submitted plans.

Prior to a formal recommendation from Transportation DC I would require details of how this is to be managed so that the full impact of this proposal can be assessed.

#### Public Open Spaces Officer

Although we have only been consulted to make us aware of proposed changes to local sporting facilities, as the Design and Access Statement states that the facilities can offer improved accessibility through community use, we have the following comments to make;

Following the decision by SGC to dispose of the existing school playing field to the NW of the main school building for future residential development, the proposal is to create a new all-weather playing pitch/MUGA enclosed by 3m high fencing, to the west of the buildings.

The site sections show that the MUGA will be located 13m from the boundary of adjacent properties on Clyde Grove, 17m from the boundary of adjacent properties on The Wicketts and 13m from the proposed boundary to the area of future housing development. It should be noted that Fields in Trust recommend at least 30m separation between the activity zone and the boundary of the nearest property containing a dwelling. The Councils Environmental Protection team recommend that the perimeter fence of a MUGA should be at least 60m from the nearest residential property; this is further than the FIT recommendations and is intended to avoid actionable nuisance claims.

I am not aware that a noise assessment has been carried out. Noise from balls hitting MUGA fencing can be a significant source of MUGA noise emissions. It is important that advice is taken on this matter; anti-vibration bushings can be used to fix the fence panels to the supports. These bushings acoustically dampen the panels and minimise structure borne noise transmission, which has the effect of reducing the magnitude and duration of the impact noise.

In order to try and avoid a problem at a later stage I think that a noise assessment should be considered and I note that the Environmental protection team have been consulted for their views.

It appears that there is no drainage proposed for the pitch and no detailed pitch specification has been included with the application details. This information should be provided as consultees including Sport England will no doubt wish to approve details, either at this stage or by way of condition.

The DAS states '*The new field would be sited in a more convenient location that would benefit its core users (the school) and the proposed facilities can offer improved accessibility through community use.*' The plan for community use and whether there will be a community use agreement (CUA) needs to be considered by the case officer.

#### Environmental Protection:

##### Noise:

No objection in principle. Consideration of control over construction phase and potential for acoustic fencing to be incorporated.

##### Contaminated Land:

No objection in principle, contamination condition recommended.

#### Lead Local Flood Authority

We query the method of surface water drainage provisions for below the proposed MUGA and therefore request confirmation and clarity before we comment further.

#### Landscape Officer

Plans show that the finished ground level of the proposed MUGA will be some 2m higher than that of the future housing area, and therefore, appropriate screen planting will be required along the northern site boundary. Levels will need to be carefully designed around existing trees to be retained, and also in respect of new trees (i.e. ensuring appropriate planting pits can be accommodated near/on slopes).

It is stated that within the areas of amenity natural grassland, it will be necessary to ensure that a suitable horizon is provided to create a suitable barrier and effectively cap over the crushed hardcore demolition material, and to achieve the correct conditions for sustained growth and performance. Therefore, recommend that an NBS style implementation specification is agreed as part of a detailed landscape scheme by a condition of any planning permission, and that this covers ground preparation for planting and grass areas as well as appending details for tree pits and hedge planting trenches. Some of the required information is already provided within the Landscape Works Strategy.

Proposals will be visible in private views from overlooking properties. Any lighting associated with the MUGA will need to be carefully designed to avoid unacceptable visual impacts.

On the basis of the submission there are no landscape objections in principle, however, conditions are recommended to clarify and secure a number of issues.

### Tree Officer

Whilst there are no objections in principal, a tree protection plan in accordance with BS:5837:2012 will be required for the protection of the existing trees.

Further to this a detailed Arboricultural method statement will be required as a condition with an arboricultural watching brief for works proposed within the RPA's of the existing trees such as the installation of the porous bound surface pathway.

### Ecology Officer

A Preliminary Ecological Appraisal has been submitted with the application.

This has identified a number of potential habitats for certain species.

The report has also recommended that a single bat emergence/re-entry surveys is to be undertaken prior to determination on the disused nursery and shed. If a bat roost is recorded, it is expected that a total minimum of three emergence/re-entry surveys are undertaken to characterise the roost and inform mitigation.

This will need to be undertaken and provided prior to determination as required as legal tests have determined that this cannot be left to planning conditions.

Conditions are thereafter recommended should planning permission be granted, securing ecological mitigation and enhancement.

### Sport England

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

It is proposed to erect a new intensive use sports facility (artificial grass surface) with fencing but no sports lighting. The site is a currently open land following demolition of buildings (circa 2019). We suggest that the application site now forms part of the adjoining playing fields.

Therefore this application relates to the provision of a new outdoor and indoor sports facilities on the existing playing field at the above site. It therefore needs to be considered against exception E5 of the above policy, which states:

*E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.*

E5 is almost identical to the last criterion in para 97 of the NPPF:

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

We have therefore assessed the proposal against the above policy to determine whether the proposals meet exception E5.

The 'strategic plan' for pitches (Playing Pitch Strategy) in South Gloucestershire does not identify this project.

The applicant will need to fund this capital cost and have budgets for maintenance and future 'resurfacing' of the artificial surfaces when worn out. A business plan to generate income may require the sports lighting to maximise the use of these intensive use surfaces. Sports lighting is integral to a number of sports facilities, as this will enable them to accommodate higher levels of use and considerably extend the hours of use outside the summer months. The Football Foundation (FF) advise that the site falls within the Bristol North Fringe which shows in the Playing Pitch Strategy a future (2036) shortfall of three match sessions for youth 9v9. It is unclear as to whether it will have floodlights and ultimately be able to facilitate evening/winter training needs for football. The School has also indicated they would be open to community use and so if the facility will be floodlit and with the potential of a 7v7 or 9v9 pitch being proposed in the future, the FF would be keen to encourage them to develop their community usage.

Making better use of existing resources contributes to sustainable development objectives by reducing the need for additional facilities and the potential loss of scarce resources such as open space. The practice of making sports facilities available to wider community use is already well established and this project should be open to the wider public to meet the growing demand for more and better places for sport in convenient locations.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of the above policy subject to secured community use.

### **Other Representations**

#### **4.2 Local Residents**

2 letters have been received:

*'Whilst we support a sports facility, we have a couple of questions/concerns.*

*Is the sports facility exclusively for school use?*

*If being used after school/weekends, what are the hours of use?*

*Are there any plans to erect flood lights now or in the future?*

*Are there plans to hire out the sports facility to private users?*

*'In principle I do not have a problem with this application. However as a close neighbour there are a couple of issues I would like to raise. Firstly can the courts be moved closer to the school as this would reduce the noise impact into our property. This is also the case for the social area is immediately adjacent to our boundary, again the potential noise is a concern to me. Secondly can you confirm there is no plans to install lighting to the pitches or to rent this space out after hours? This would potentially have a severe negative impact on the neighbouring properties. Finally what is the construction of the boundary fence*

*going to be and how high is this planned? I would like it to be high and secure.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS1 seeks a high quality of development. The application area is within school grounds and does not constitute local green space, designated or undesignated identified in the Local Plan. The land is private and not a public facility. Following the decision by South Gloucestershire Council to dispose of the existing school playing field to the north west portion of the site, it is now sought to create new playing field, habitat and resource opportunities on an area of the site to the west of the main school buildings which was previously formed by the buildings of the Pupil Referral Unit (PRU) and Severnside Training Unit (Ex. Filton Park School). It is understood that the demolition of the Pupil Referral Unit and Severnside Training Unit buildings was completed in September 2019.

The applicants have stated that no lighting is proposed for the sites use and that no additional use beyond that of the school pupils is planned for the area i.e. the site as proposed will not be a wider community facility due to issues such as security, safeguarding, parking and access restrictions. The scheme has been developed in accordance with the general scope of provision agreed with South Gloucestershire Council Property Services and Department for Children, Adults and Health, The Olympus Academy Trust and the school.

5.2 In terms of Sport England's observations on the principle of the provision, no objection was raised. Some clarification was required with regards to lack of sports lighting and any community use to be secured. As confirmed above no lighting or public use is proposed. It would have been preferable from Sports England's perspective if additional facilities were available for the public. However the proposals provide facilities required by the school itself. Sport England has no further comments on the principle of the site.

5.3 Sport England do however raise a couple of points for future consideration: Regarding the height of the fencing, although it is appreciated that this is MUGA project, on a guidance point, for proposals following Football Foundation 3G projects, the perimeter fence height should be 4.5m. In addition to this on the issue of disposal of the playing field land adjacent, any proposal will be subject to a future formal planning application and does not form part of the current assessment. It is noted however that Sport England have stated that the current application site is smaller than the playing fields to the north, and comprise a hard court with no sports lighting and no community access; hence would not fully make up for the loss of them. Any future planning application relating to the playing fields site to the north would therefore need to address this.

5.6 Further to the considerations and issues raised in the consultation sections above, additional clarification and information was sought. Following additional consultation with the relevant sections, this is discussed in the relevant sections below.



5.7 Design/Landscape and Trees

The site is visible from certain vantages. A Landscape Works Strategy has been provided with the application along with planting and landscaping plans. A detailed landscape and planting specification has been provided. Retention of all trees and a sufficient amount of additional planting is proposed, this includes on the peripheries of the site, where planting will aid screening and amenity in conjunction with existing vegetation. The arboricultural report and tree protection measures are considered acceptable.

5.8 The proposals consist of a typical MUGA layout. No lighting is proposed as part of the scheme. Details on boundary treatments and fencing are also specified and consist largely of green mesh fencing.

5.9 It is not considered on this basis that the proposals would have a material or significant visual amenity impact upon the surrounding area, such as to warrant objection and sustain refusal of the application on this basis. A condition securing compliance with the mitigation in terms of planting/landscaping is proposed.

5.10 Similarly the Arboricultural Assessment and Tree Protection plans are now considered acceptable. A condition is recommended securing compliance.

5.11 Residential Amenity

The site is within school boundaries and use. It is stated by the applicants that the location of the facility has been considered in agreement with the school, who expressed a preference for the MUGA to be sited within the submitted location as opposed to closer to the school. It is considered likely that overall noise levels would not be above historic values for the school site. The nearest residential properties to the outdoor area remain to the south west boundary of the site, off Clyde Grove. The schools outdoor area boundary immediately abuts the bottom end of the gardens, the peripheral edge of the MUGA, i.e. the area to be fenced off, would be approximately 15 metres to the bottom of the curtilage boundary in this direction and some 32 metres to the rear of the nearest part of any dwelling in this direction. To the southern boundary of the site, off the Wicketts the schools outdoor area boundary similarly immediately abuts the bottom end of the gardens, the peripheral edge of the MUGA area, would be approximately 20 metres to the back of the curtilage boundary and 30 metres to the rear of the nearest part of any dwelling in this direction. It is stated by the applicants that the spatial constraints of the site do not provide opportunity for the MUGA to be sited in a position that meets the suggested distances referred to in the comments highlighted in the consultation section, above. If the MUGA is moved eastwards towards the school this will result in the loss of some mature trees, whilst the proposed layout seeks to retain all existing trees.

5.12 Notwithstanding this and in order to meet relevant noise criteria and guidelines in terms of outdoor play/ teaching and particularly the extended use of the artificial pitch /MUGA-multi use games area, additional design features will include the use of noise reducing synthetic EPDM rubber dampers fitted between fence panels and posts. This can be conditioned. This noise reduction feature together with the proposed increased planting within the site, will

significantly reduce the impact of the new facilities upon the existing neighbouring residential area to the west. No additional use beyond that of the school pupils is planned for the area. Mesh fencing as opposed to acoustic fencing is illustrated around the periphery to a height of 2.4 metres, with additional noise mitigated fencing around the MUGA and planting up to and around the boundaries, providing additional mitigation. Given the above considerations and mitigation the proposals are considered acceptable on balance, subject to conditions.

- 5.13 The nature, length, size, location and orientation of the proposals and the relationship with other properties in the area, are not considered to give rise to any significant amenity impacts on adjacent properties in this instance. It is not considered that they would have a material or significant additional impact upon individual residential amenities such as to warrant objection and sustain a refusal on this basis.
- 5.14 Ecology  
Further to the considerations above, three bat emergence / re-entry surveys were undertaken as one the first survey two common pipistrelles were recorded emerging from the building. The mitigation proposed is acceptable and satisfies the three 'tests' applied by Natural England. Works can proceed once an EPS license has been granted.
- 5.15 The site is currently considered of relatively low ecological value, the proposals seek to retain all existing trees and to strengthen boundary habitats, thereby creating a coherent dark green infrastructure network which will achieve overall net biodiversity gains across the site, and provide significantly increased opportunities for the school pupils to enjoy their outdoor environment.
- 5.16 No lighting is proposed for the development, therefore no lighting strategy is required. Conditions are recommended to secure ecological mitigation and enhancement as identified in the Preliminary Ecological Appraisal.
- 5.17 Highways  
Under this proposal to provide a combination of natural and artificial grass surfaces, during the construction process the transportation of materials to create the artificial grass pitch would equate to approximately 50 lorry movements to the site. The importation of suitable inert top soil to effectively cap over the remaining insitu subsoils resulting from the utilisation of the existing hardcore beneath the artificial turf pitch area and to create the necessary horizon for the natural grass amenity areas would equate to approximately 100 lorry movements to the site. The proposed design will provide a total of approximately 1,880 m<sup>2</sup> of natural grass recreation space. The proposal results in minimal alteration to existing site topography with the overall gradients being maintained across the area.
- 5.18 Further to the considerations and observations, highlighted above, it is confirmed that there are no proposals to allow any extended community use of the facilities, due to issues such as security, safeguarding, parking and access restrictions. The proposals are therefore solely for the use of the existing

school. There are on this basis no objections to the proposals on highways grounds.

5.19 However, a condition is recommended securing compliance with delivery and vehicle movement times, so as to avoid key school drop off and pick up times, in the interests of highway safety.

5.20 Environmental Protection: Contaminated Land

The conclusions and recommendations of the Ground Investigation report are in the main accepted by the Council's Contamination Officer. Due to near surface contamination identified in the site investigation the report recommends that an engineered clean cover system is used in the soft landscaped areas to protect end users. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework standard contamination conditions are recommended.

5.21 Drainage

Further to the consultation points above it is now clarified and confirmed that the below pitch drainage provisions will be in accordance with Sport England's 'Artificial Surfaces for Outdoor Sport' design requirements.

This includes the provision of a stone formation layer beneath the entire facility footprint. There are no objections to the proposals on drainage grounds on this basis. A condition securing compliance is recommended.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission is GRANTED, subject to the conditions recommended

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan, Block Plan and Existing and Proposed Plans and Elevations (Refs CR21/0505, 0502, 0503, 0504, 0505 and 0506) and Supporting Statement, Ground Investigation Report, Design and Method Information, Tree Survey Report, Tree and Habitat Protection Method Statement, Landscape Work Strategy and Ecological Appraisal, received by the Council on the 4th and 8th June 2021.

Reason:

To define the terms and extent of the permission.

3. Prior to first use of the site:
  - A) Verification Strategy - , a report providing details of the verification of remediation demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - B) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason:

In the interests of the prevention of pollution and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy and PSP21 of the South Gloucestershire Local Plan: Policy, Sites and Places Plan.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Nicholas Pearson Associates, May 2021).

Reason:

In the interests of ecology and in accordance with PSP19 of the South Gloucestershire Local Plan: Policy, Sites and Places Plan.

5. Prior to commencement of the development hereby permitted an Ecological Enhancement and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority . This is to expand on the recommendations made within the report Preliminary Ecological Appraisal (Nicholas Pearson Associates, May 2021) and is to include mitigation for badgers, hedgehogs, nesting birds, reptiles and amphibians plus any other wildlife impacted by the proposal. Suitable enhancements are to be included with a plan detailing specification and locations. All such details as approved shall be implemented prior to the first use of the development hereby approved.

Reason:

In the interests of ecology and in accordance with PSP19 of the South Gloucestershire Local Plan: Policy, Sites and Places Plan.

6. There shall be no deliveries to the site or movements of plant and equipment, outside of the defined working area, during the following periods.  
Monday - Friday  
07.30 - 09.00 hrs No movements or deliveries.  
12.30 - 13.30 hrs No movements or deliveries.  
15.00 - 16.00 hrs No movements or deliveries.

There shall be no deliveries after 17.30.

Reason:

In the interests of traffic management, in recognition of and to avoid increase in traffic flow and to avoid school drop off and collection periods, in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

7. The landscaping and planting shall be undertaken in accordance with the submitted information (the Landscape Works Strategy May 2021 and drawing nos. CR21/0505 and CR21/0506), in the first planting season following completion of construction works.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework and the National Planning Policy Framework.

8. The development shall be implemented in strict accordance with approved Arboricultural Report and Tree Protection Measures, inclusive of the pre-commencement on-site meeting referred to within.

Reason:

In the interests of the protection of the trees and vegetation and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy, and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.

9. The artificial pitch /MUGA-(multi use games area) shall include the use of noise reducing synthetic EPDM rubber dampers fitted between fence panels and posts at all times in accordance with the details hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.

10. The drainage details shall be implemented in accordance with the approved details (CR21/0508, Design and Method Statement and Ground Investigation Report) and retained thereafter.

Reason:

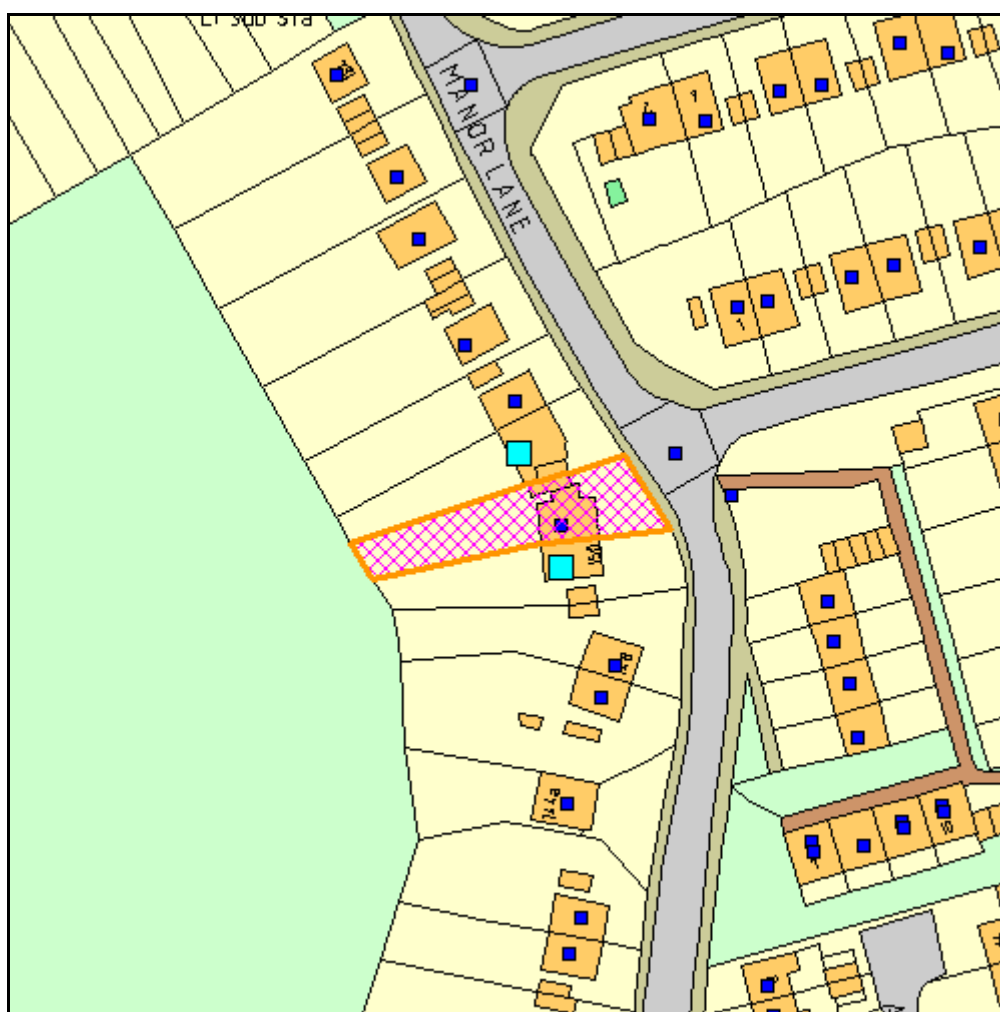
In the interests of effective drainage and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy and PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.

**Case Officer: Simon Ford**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/04134/F	<b>Applicant:</b>	Dr David Baker
<b>Site:</b>	152 Manor Lane Charfield South Gloucestershire GL12 8TW	<b>Date Reg:</b>	11th June 2021
<b>Proposal:</b>	Erection of a two storey side and rear extension to form additional living accommodation and extension of front dormer.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371983 192019	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd August 2021



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P21/04134/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of a consultation response received, from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey rear and side extensions to form additional living accommodation.
- 1.2 The property is a detached chalet type dwelling within the residential area of Charfield.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

- South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
  - CS8 Access/Transport

- South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

- PSP1 Parking Standards
  - PSP8 Residential Amenity
  - PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
South Gloucestershire Householder Design Guidance SPD (Adopted 2021)

### **3. RELEVANT PLANNING HISTORY**

None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
Objection - The Parish Council considers this to be overdevelopment of the site - this application produces a four/five bedroomed home from a three bedroomed dwelling on quite a small existing footprint. The Parish Council is concerned this will result in excessive on-street parking in a location where there is already congestion. The development effectively removes a garage



space by extending the kitchen into it, leaving only the driveway for all the resident's cars.

#### Sustainable Transportation

The internal width of the proposed garage is too small to be included as part of the vehicular parking requirements for the dwelling. When assessed against South Gloucestershire Council's residential parking standards a minimum of three spaces are required. No detail on existing or proposed access and parking have been shown on the plans submitted. A revised plan is requested which clear shows the existing and proposed access and parking arrangements for the site.

#### Archaeology Officer

No comment

#### Other Representations

- 4.2 Local Residents  
No comments received

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.
- 5.2 Design  
Original proposals incorporated An awkward fitting rear two storey gable part of which, including the roof slope protruded beyond the side building line of the dwelling. The roof ride was also to the height of the existing dwelling. Concerns were raised as to the suitability of the design in context with the site and surroundings. Revised plans have been subsequently received.
- 5.3 The revised plans incorporate a much neater two storey part side extension with the two storey rear gable tucked in behind this. The roof ridge is below that of the main dwelling, creating an element of subservience from this rear gable. There are various solutions to two storey extensions on these types of dwelling along the street and several that include a similar rear two storey gable.
- 5.4 In terms of the side extension, this would not be a full side extension to the full depth of the dwelling, and would be set back considerably from the front building line. The eaves of the roof are also set back and this gives the side extension a sufficiently subservient effect.

- 5.5 The extension of the front dormer is a continuation of the existing original dormer. This has been achieved successfully on other properties in the immediate vicinity and integrates acceptably with in the streetscene.
- 5.6 The revisions are considered to be a significant and acceptable design improvement on the original and integrate within the site to a far better degree. The plot is considered sufficient for the development proposed and sufficient private amenity space will remain.
- 5.7 The proposals, as revised, are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. Materials would be acceptable, matching the existing dwelling.
- 5.8 Residential Amenity  
The length, size, location and orientation of the proposals and the relationship with other properties in the area, are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance.
- 5.9 Transportation.  
The comments above are noted. The applicant has subsequently provided parking plans which illustrate there is sufficient space for a minimum of three cars. This is considered acceptable and compliant with the adopted requirements. A condition is recommended to secure and retain this parking provision.
- 5.10 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted, subject to the conditions recommended.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Location Plan, Block Plan and Existing Plans and Elevations (Refs GA001, 002 and 003)), received by the Council on the 8th June 2021, Parking Plan (PP1), received by the Council on the 9th August 2021 and Proposed Plans and Elevations (Refs GA 004 Option 4, 005 Option 4 and 006 Option 4 Rev A), received by the Council on the 20th September 2021.

Reason:

To define the terms and extent of the permission.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. The off-street parking facilities shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

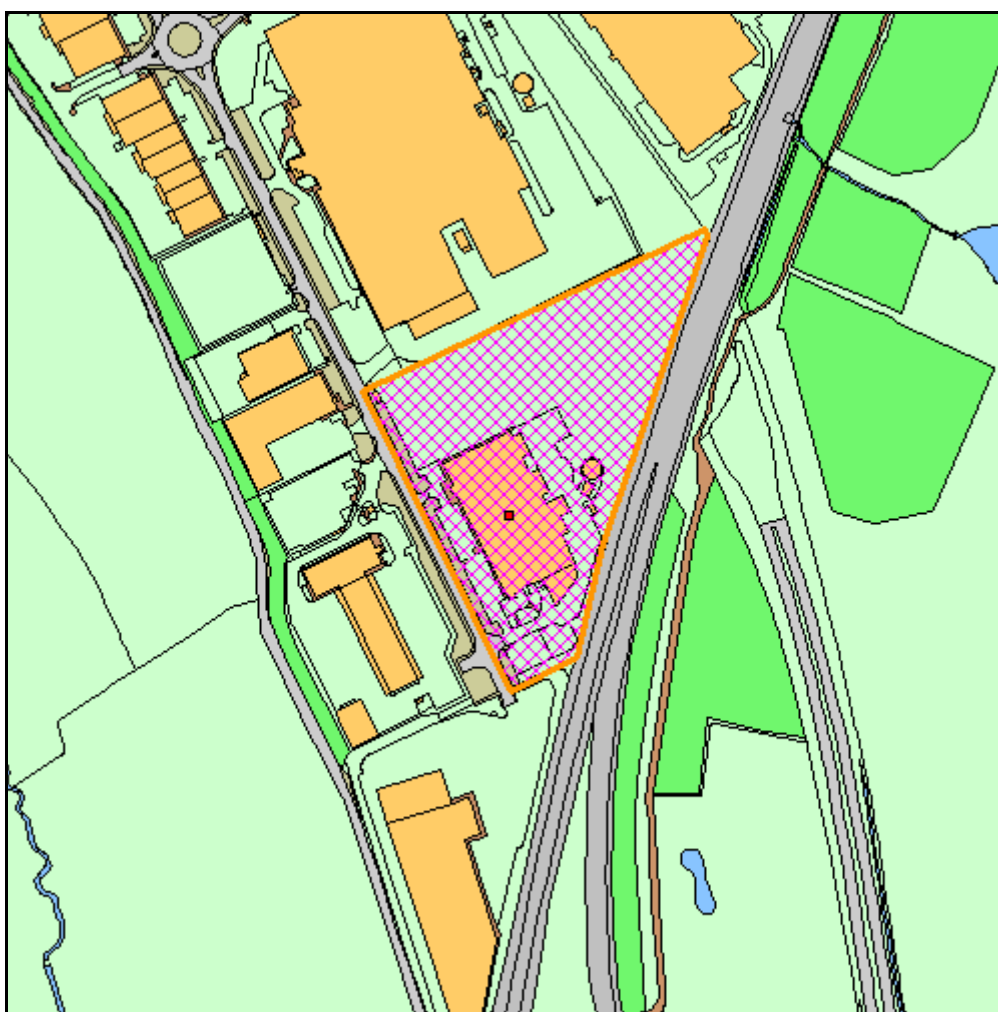
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/04849/F	<b>Applicant:</b>	Mr Jason Lynock Smart Space
<b>Site:</b>	500 Woodward Avenue Yate South Gloucestershire BS37 5YS	<b>Date Reg:</b>	23rd July 2021
<b>Proposal:</b>	Erection of 3no. buildings to be used for storage of raw materials and finished goods.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369764 181838	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th October 2021



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P21/04849/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council, contrary of the officer recommendation detailed below.

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## **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of 3no. buildings to be used for storage of raw materials and finished goods at 500 Woodward Avenue, Yate.
- 1.2 The applications site within Westerleigh Business Park, a local employment area which is safeguarded for economic development (CS12) and storage and distribution uses (PSP27). The site currently is used as a paper/packaging manufacturing and distribution hub, as a traditional B2 general industrial use. Yate Common is located to the east, across the railway track, and the Bristol and Bath Green Belt is located west, across Nibley Lane. The existing buildings are generally large scale steel portal frame type units with large open floor areas, some office space and large hard surfaced areas.
- 1.3 The proposed storage buildings would be placed onto existing hard standing areas and function as free standing structures. Two of the smaller buildings to the north of the site will be freestanding 20m x 15m open fronted buildings and will be utilised for storage of raw materials. A larger covered area is to be provided to the east of the site and will be 40m by 18m in area, 9.2m in overall height and 6.2m to eaves level. The proposed structure will have an insulated PVC roof, 40mm composite clad wall panels.

## **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework

2.2 Development Plans

### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS12	Safeguarded Areas for Economic Development
CS30	Yate and Chipping Sodbury

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP11	Transport
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 Ref. P19/14014/F. Permission Granted, 14/11/2019  
Proposal: *Extension to existing concrete service yard and canopy (amendment to previously approved scheme P19/7457/F).*
- 3.2 Ref. P19/7457/F. Permission Granted, 20/8/2019  
Proposal: *Extension to existing concrete service yard and canopy.*
- 3.3 Ref. PT13/3252/F. Permission Granted, 28/11/2013  
Proposal: *Erection of extension to existing production facility.*

**4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection

*"We do not object to the positioning of new structures on the existing service yard. However, the rear of the site is landscaped and green. This is vital in trying to manage the impact of the industrial buildings upon the common land immediately across the railway. The Common is very popular and very well used by residents and is the main open space area for that part of Yate.*

*"This application includes the erection of a 9.5m high storage building on part of what is currently green space laid to grass and brings the built environment over 50m closer to the open space.*

*"This one unit it is proposed to build on the existing grassed area will HALVE the distance from the nearest bit of building on the site (the existing warehouse) to the vital amenity open space on the common.*

*"We would not object if there were a condition requiring the strengthening of the tree and shrub borders along the railway boundary of the application site to deepen those substantially, so as to reduce the impact of the built form creeping closer to the common."*

#### 4.2 Other Consultees

Sustainable Transport – No objection.

Landscape Officer – No objection, condition recommended.

Ecology Officer - No objection.

Lead Local Flood Authority – No objection, condition recommended.

Crime Prevention Officer – No objection.

#### **Other Representations**

#### 4.3 Local Residents

No comments received.

### **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

The proposed development is for the erection of 3no. buildings to be used for storage of raw materials and finished goods, within an area safeguarded for economic development by virtue of policy CS12. Policy PSP27 supports this allocation, provided that proposals for new B8 storage (up to 3,000m<sup>2</sup>) do not significantly conflict with neighbouring land uses, and that the maximum density is compatible with the sites location, its accessibility and its surroundings is achieved. Due to the sitting, size, scale and location of the proposed development, relative to the neighbouring land uses, location and accessibility, no significant conflict would arise to neighbouring land uses and its density, location and accessibility is acceptable. The proposed development is therefore supported in principle.

#### 5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP1 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The proposal has been carefully assessed and has found to be in compliance with these policies.

#### Landscape

5.3 The development site is located adjacent to Yate Common, for which is directly across the railway track to the east. The boundary vegetation is an important element of the buffer along the railway, which positively contributes to the character of the area and provides screening in views from Yate Common and Westerleigh Road. In response to the comment received by the Yate Town Council, the importance of the existing tree line which acts as a buffer to Yate Common is acknowledged, however as supported by guidance from the councils specialist Landscape Officer, only the southernmost new unit would be visible from the public domain, would be seen in context with the larger existing

warehouse. As such, to substantially deepen the existing buffer is not considered necessary or reasonable. A condition would however be included to ensure the existing buffer is protected. Subject to this condition, officers find the proposal is acceptable and complies in accordance with policies PSP1, PSP2 and PSP3.

#### 5.4 Ecology

Concerning ecological matters, officers have reviewed the relative detail and are accepting that due to the industrial makeup, the building would not be suitable for bat or bird boxes and no harm would arise to local wildlife. As such, the proposal would comply with policy PSP19.

#### 5.5 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

### 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Received by the council on 8th July 2021: Existing Site Layout, Proposed Elevations and Floor Plans, Proposed Site Layout, and Location Plan.



Reason

To define the terms and extent of the permission.

3. The proposed development must be built in strict accordance with the submitted Tree Protection and Landscaping Plan. The protective fencing in accordance with the submitted details must be erected around the root protection area of existing trees and hedgerows as indicated. Such fencing shall be erected prior to the use of any machines on the site and prior to any clearance on site, and retained as such throughout the construction period and until the completion of the development hereby approved. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works shall be replaced in the next planting season by specimens of similar size and species.

Reason

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, protect the existing trees, maximise the quality of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) 2017.

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. This is to include a detailed development layout showing the location of surface water proposals along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. No public surface water sewer is available.

For the avoidance of doubt the following details should be submitted when discharging the above conditions:

- A clearly labelled drainage layout plan showing the exact location of any soakaways.
- Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

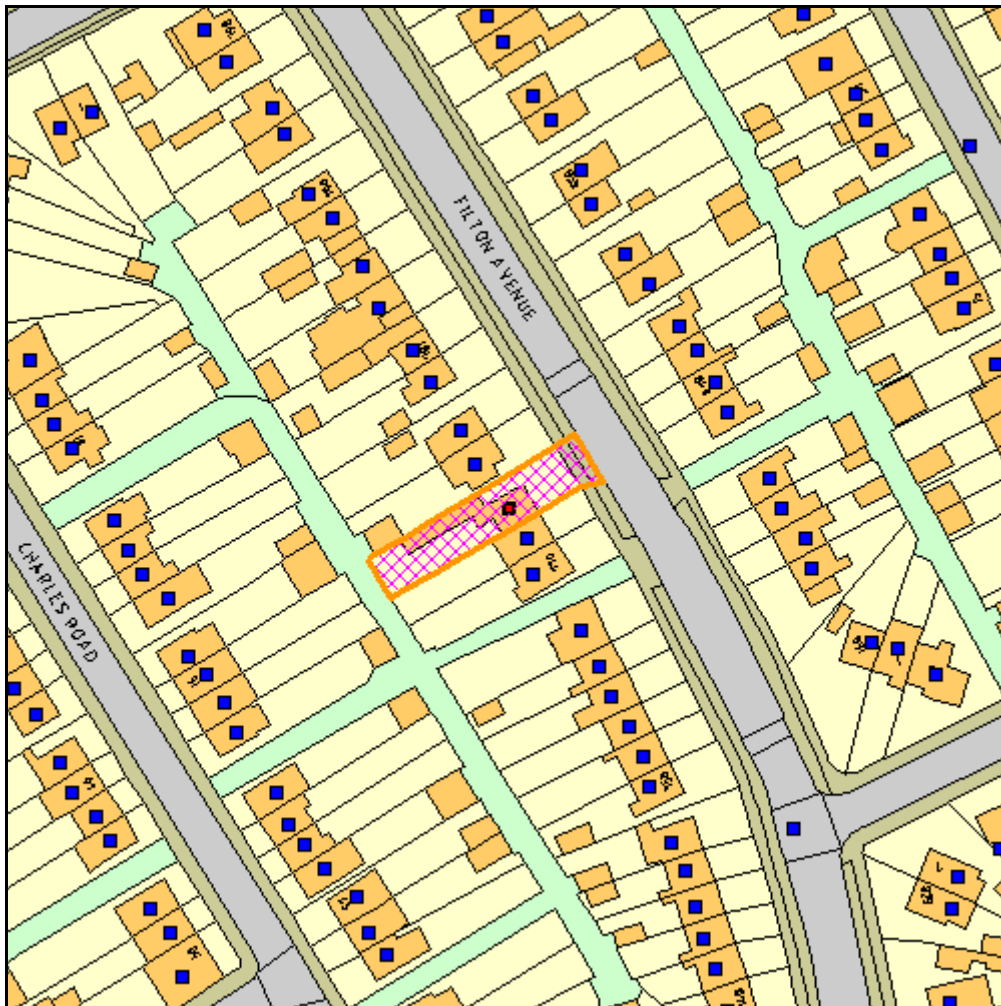
Reason

To comply with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) 2017, and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the National Planning Policy Framework.

**Case Officer: Thomas Smith**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 40/21 -8th October 2021**

<b>App No.:</b>	P21/05089/F	<b>Applicant:</b>	Hiro Land Ltd
<b>Site:</b>	774 Filton Avenue Filton South Gloucestershire BS34 7HB	<b>Date Reg:</b>	29th July 2021
<b>Proposal:</b>	Erection of a single storey side extension, installation of hip-to-gable roof extension and 1 no. rear dormer to facilitate the change of use from residential dwelling (Class C3) to a large house in multiple occupation for up to 7 people (sui generis). Widening of vehicular access onto classified road.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360899 179291	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd September 2021



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P21/05089/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due to objections received from Cllr Wood and local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey side extension, the installation of a hip to gable roof extension and 1no. rear dormer, to facilitate the change of use from a residential dwelling (C3) to a large HMO for up to 7no. people (Sui Generis). The application also includes the widening of an existing vehicular access onto a classified road.
- 1.2 The application relates to 774 Filton Avenue, an end terrace two storey property located within an established urban area.
- 1.3 The application has been amended since the original submission, with the proposed 3no. on-site car parking spaces reduced to 2no. spaces due to insufficient space. A re-consultation exercise has been undertaken.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection: Guidance for new developments SPD (Adopted) 2015  
Houses in Multiple Occupation SPD (Adopted) 2021

### 3. **RELEVANT PLANNING HISTORY**

#### 58 Northville Road

- 3.1 P20/22196/F - Erection of a single storey rear extension, installation of 1 no. rear dormer to facilitate change of use from residential dwelling (Class 3) to a large house in multiple occupation for up to 7 people (sui generis). – Refused 23.02.2021 – Allowed on appeal 21.05.2021 – Costs awarded.
- 3.2 P21/00833/F - Erection of a single storey rear extension, installation of 1 no. rear dormer to facilitate change of use from residential dwelling (Class 3) to a large house in multiple occupation for up to 8 people (sui generis) (Resubmission of P20/22196/F). – Refused 12.04.2021 – Allowed on appeal 12.08.2021 – Costs awarded.

#### 25 Northville Road

- 3.3 P21/00420/F - Change of use from dwelling (C3) to a house in multiple occupation (HMO) for up to 7 person (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). – Refused 12.04.2021 – Allowed on appeal 12.08.2021.

#### 64 Northville Road

- 3.4 P20/16687/F - Erection of a single storey rear extension and installation of 1 no. rear dormer to facilitate change of use from dwelling (Class C3) to an 8 bedroom HMO for 8 people (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). – Refused 11.02.2021 – Allowed on appeal 21.05.2021 – Costs awarded.

### 4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council – No response
- 4.2 Transportation DC – No objection subject to a condition requiring car and cycle parking to be provided.

#### **Other Representations**

- 4.3 Cllr Chris Wood

*This application converts a 3 bedroom family home into a 7 bedroom HMO whilst providing just 2 car parking space, it is located on an already congested*

*road, without a bus link, where vehicles often park dangerously on the pavement and grass verges due to a lack of onstreet parking. This application is clearly over development, will increase noise and nuisance to neighbours and will lead to even greater parking problems.*

*Under the Residential Parking Standards Supplementary Planning Document (SPD) 2013 a 7 bedroom HMO requires a minimum of 3.5 residential parking spaces with an additional 0.2 visitors spaces, therefore, after rounding, a minimum of 4 parking spaces are required. Half of the required parking spaces appear to be proposed to be unallocated on the highly congested public highway. Vehicles along Filton Avenue already dangerously park on the pavement and grass on both sides of the road because there are too many vehicles parking for them to be adequately accommodated on one side, whereas the road is too narrow for vehicles to park on both sides and still allow sufficient width for traffic to pass. This dangerous practice would only increase were this application successful.*

*As over 40% of South Gloucestershire's HMOs are located in Filton and the impact on parking problems has increased dramatically as a result, the application is a clear breach of the Residential Parking Standards SPD, which outlines that HMO "developments can, if inappropriately located and/or by becoming concentrated in a locality, increase local on-street parking problems" and states that HMO applications will be permitted only if they "would identify acceptable off-street parking". The key term here is acceptable, no acceptable off-street parking has been identified and therefore the application should be rejected.*

#### Local Residents

5no. objections have been received, summarised as:

- Parking survey does not take into account existing HMOs
- Parking survey carried out during university break
- Majority of student residents own cars
- Cars currently parked on grass
- Cars double parked and blocking path
- Number of non-licensed HMOs in street
- Article 4 Direction should be put in place
- Spaces shown in parking survey cannot be parked in
- Residents within 200m of proposal should have been informed
- Students do not use bicycles
- Existing non-licensed HMOs cause disturbance
- Application a commercial venture
- Need for family homes to be retained
- Proposed will result in an un-balanced community
- Further on-street parking will result in blocking road users
- Enough HMOs in area
- Site notice not displayed
- Not enough residents notified
- No action taken against complaints

## 5. ANALYSIS OF PROPOSAL

### Principle of Development

- 5.1 The determination of whether the change of use of a dwelling in C3 use to a large HMO use will have an unacceptable impact upon the surrounding area is primarily assessed via the tests outlined within the Houses in Multiple Occupation SPD (Adopted) 2021. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal.
- 5.2 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term “neighbours” should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.3 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not ‘have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties’. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.4 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.3 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be ‘sandwiched’ between two licensed HMOS, or,
  - Result in three or more adjacent licensed HMO properties.
- 5.4 In the case of the current application site, 774 Filton Avenue, the property immediately adjacent at 772 Filton Avenue is a licensed HMO. 770 and 776 Filton Avenue are not licensed HMOs. The proposal would therefore not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.5 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.

- 5.6 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.7 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.8 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
  - More than 20% of households within a 100m radius of the application property.
- 5.9 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.10 In the case of 774 Filton Avenue, HMO properties currently represent 8.4% of households. Within 100m radius there are 108 properties, 5 of which are HMOs, or 4.6%.
- 5.11 The principle of change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.
- 5.12 In regards to the proposed extensions, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Impact on the character of the area.

- 5.13 The application is proposing a single storey side extension, a hip-to-gable roof extension and the installation of a rear dormer to facilitate the change of use to a 7no. person HMO.



- 5.14 The existing street scene is predominantly hipped roof properties, and the introduction of a hip-to-gable extension would result in some unbalancing of the existing terrace.
- 5.15 The proposed dormer window is also relatively large in size. Similar flat roof dormers are found within the surrounding area. The dormer window would be set in from the eaves, ridge and roof edge and would not be overly dominant. The dormer is also situated at the rear of the property away from public viewpoints.
- 5.16 It should also be noted that the proposals to the roof fall within the parameters of permitted development.
- 5.17 The proposed single storey extension is modest in size, and appears subservient when viewed in context. The proposed materials are considered to respect the host property and its surrounds and as such there is no reasonable justification for refusal in terms of the impact on the character of the area due to visual impacts.

#### Residential amenity

- 5.18 As already set out, the principle of the change of use is not considered to significantly impact upon residential amenity.
- 5.19 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m<sup>2</sup> amenity space. Using this standard, 7 x 1bed. flats would require 35m<sup>2</sup> amenity space. The rear garden is in excess of this requirement, and as such it is considered that sufficient private amenity space would be provided for future occupants.
- 5.20 The proposal is situated within a dense urban area. It is accepted that some overlooking would occur from the proposed dormer window, however this is not outside of what would be expected within a residential area and is not at a level that would cause significant harm to residential amenity.
- 5.21 The physical alterations to the property are small-scale, and are not considered to cause any significant overbearing impact or loss of light.

#### Transportation and highways

- 5.22 The Council Policy PSP16 parking standard for HMO's is one space per two bedrooms rounded up to the nearest whole number of spaces. Therefore a 7 bed HMO requires 4 spaces. The Policy states that these can be provided on-site or alternatively on-street where there is a suitable width of carriageway. Only two spaces can be provided on site, due to the width of the existing front garden.
- 5.23 A parking survey has been provided. The survey has demonstrated that there is sufficient on-street car parking capacity to accommodate the 2 off-site

- spaces required to meet the Council's standard of 4 spaces, when added to the 2 on-site spaces proposed.
- 5.24 52 spaces were identified on Saturday morning the 28<sup>th</sup> August and 69 spaces identified on Tuesday evening the 31<sup>st</sup> August. The 28<sup>th</sup> August was a bank holiday, and Autumn University term would not have started at the time of the surveys.
- 5.25 More spaces were identified on the Tuesday evening, indicating that the Sunday count would not have been unduly distorted by the bank holiday. There are 9 licenced HMOs within the parking survey area with a total of 55 bedrooms, generating a parking demand of 28 spaces. The average on-site parking provision is 2 spaces, leaving a demand for 10 on street spaces should all of these HMOs be occupied by students not residing in them at the time of the survey. Taking these 10 spaces into consideration, there would still be ample on-street parking available to meet the requirement of 2 off-site spaces.
- 5.26 The revised layout as submitted provides 2 on-site spaces and retains a small section of boundary wall to protect the existing grass verge.
- 5.27 Cycle parking is within an existing outbuilding and is consistent with the Council's standards.
- 5.28 The evidence supplied with the application indicates that the proposal would not result in significant harm being caused to the local highway network or highway safety. No substantive evidence has been provided to the contrary.

#### Other matters

- 5.29 The business reasons for an application are not material planning consideration in this case.
- 5.30 There is no reason to assume that any hostile response would occur from reporting noise or anti-social behaviour, and any such response would be a police matter.
- 5.31 Article 4 Directions are a means to restrict permitted development rights. There are currently no Article 4 Directions relating to HMOs in place within South Gloucestershire.
- 5.32 Given the application is remaining under residential use, there is no reason to conclude the mental wellbeing of neighbouring residents would be detrimentally impacted.
- 5.33 Advertisement and consultation for this application has been carried out in line with the DMPO (2015) and the Statement of Community Involvement (2020).

#### Consideration of likely impact on Equalities

- 5.34 The Equality Act 2010 legally protects people from discrimination in the

workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

## 6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 It is recommended that the application be **GRANTED**.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The off-street parking provisions, cycle storage provisions and refuse storage provisions, as shown on the Existing and Proposed Block Plans (drawing no. 3913.PL.02 Rev C) received by the council on 9th September 2021, shall be provided prior to the first use as a 7 person HMO and retained for those purposes thereafter.

Reason:

To ensure the satisfactory provision of parking facilities, cycle storage facilities and appropriate waste facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

28 Jul 2021	3913.PL.01	A	SITE LOCATION PLAN
28 Jul 2021	3913.PL.04	A	PROPOSED PLANS AND ELEVATIONS
09 Sep 2021	3913.PL.02	C	EXISTING AND PROPOSED BLOCK PLANS

Reason:

To define the terms and extent of the permission.

**Case Officer: Rae Mepham**

**Authorising Officer: Helen Ainsley**